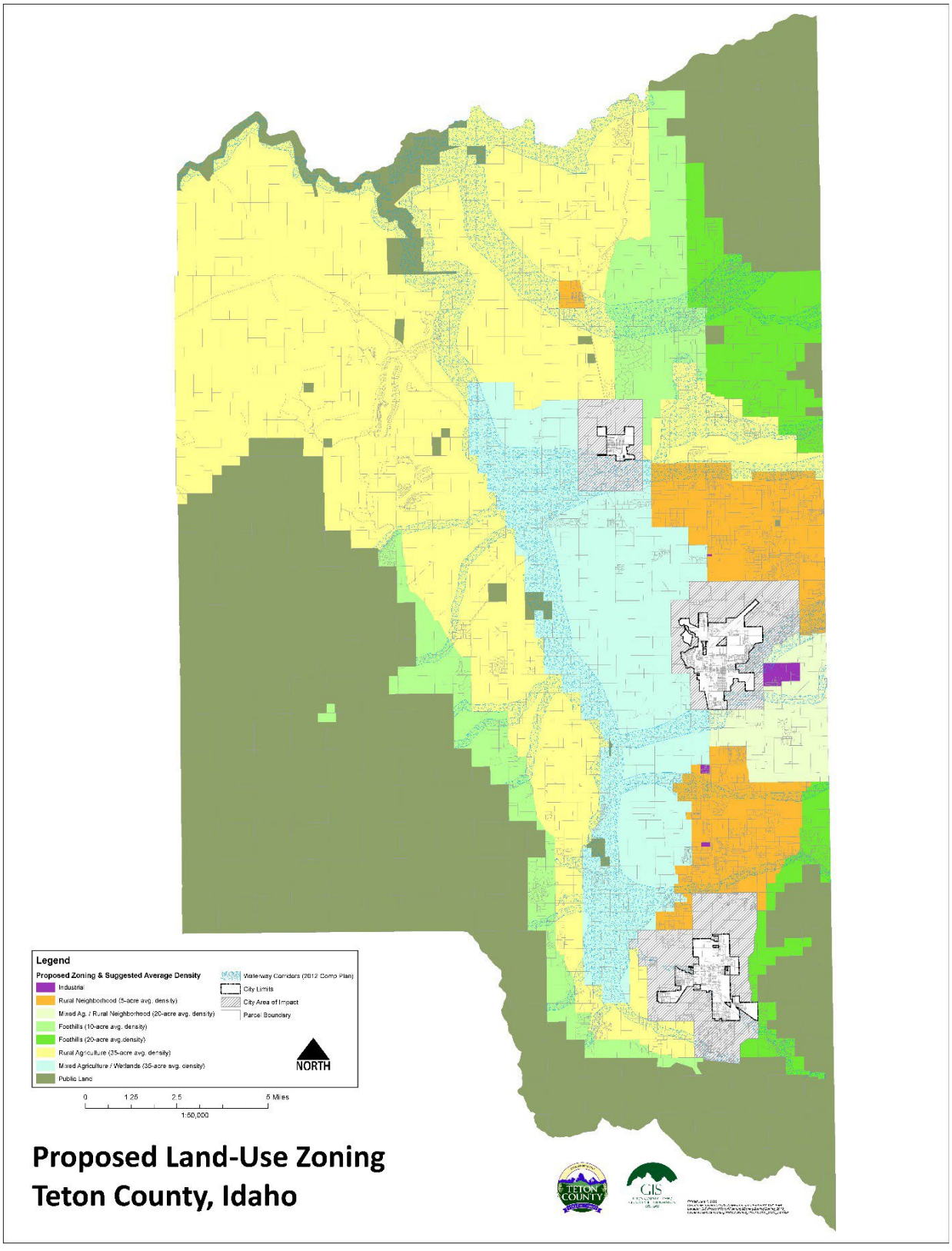


TETON COUNTY LAND DEVELOPMENT CODE

Final Adopted LDC Document

ADOPTED JULY 6, 2022, EFFECTIVE AUGUST 3, 2022

AS AMENDED – MAY 27, 2026



TETON COUNTY LAND DEVELOPMENT CODE

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CHAPTER 1 ADMINISTRATION

1-1 Legal Provisions

A. Title

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 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 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 Planning Act (Title 67, Chapter 65) of the Idaho Code.

C. Applicability

1. Territorial Applicability

   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 Applicability

   LDC requirements are the minimum necessary to meet the purpose and intent of the Land Development Code and Local Land Use Planning Act (Title 67, Chapter 65) 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 1-8 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 transportation 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.

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.
8. Maps and Overlays
   Maps referenced throughout the LDC and described in Section 1-4 shall be used as reference to define areas that may require additional standards or studies to ensure impacts to the area are mitigated proportionately.

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 August 3, 2022.

1-2 DriveZoning 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 2 and as shown on the *official zoning map*.

B. *Zone Districts*
   1. AOI-2.5: Area of Impact Zone 1
   2. AOI-20: Area of Impact Zone 2
   3. IR: Industrial/Research
   4. RN-5: Rural Neighborhood
   5. FH-10: Foothills
   6. FH-20: Foothills Priority Protection
   7. RR-20: Rural Residential
   8. RA-35: Rural Agriculture
   9. LA-35: Lowland Agriculture

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.
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.

1-4: Overlay Maps

A. The following overlay maps shall be used in conjunction with the regulations herein as follows:
   1. Natural Resource Overlay (NRO) Map
      a. This map is referenced throughout the Land Development Code as a baseline to identify priority areas for natural resource protection.
      b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the NRO, the Administrator, PZC, or BoCC may request additional reports or studies to ensure impacts to the natural resources are avoided or mitigated per the standards herein.

c. *Development* in areas with key riparian, wetland, or fish/wildlife resources, as identified by the NRO, shall be *clustered* to provide meaningful open space and limit impacts on these natural resources
d. Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (USFWS), or a professional ecologist/wildlife biologist may be consulted by the County to help determine if the site plan and mitigation measures effectively avoid or limit impacts on key natural resources.

2. Bear Conflict Map
   a. The Bear Conflict Map illustrates potential human/bear conflict areas in the County and is tied to outdoor food and trash storage regulations.
   b. Human/bear conflict mitigation and prevention regulations can be found in Title 4, Chapter 7, of the Teton County Municipal Code.
3. Floodplain Map
   a. The *floodplain map* illustrates *FEMA* designated areas of potential flood hazard which shall meet all requirements of Title 12 of the Teton County Municipal Code: Flood Damage Prevention.
4. Wildfire Hazard Overlay (WHO) Map
   a. The WHO Map identifies locations where development is most at risk of destruction by wildfire.
   b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the WHO, the Administrator, PZC, or BoCC may request additional site, landscaping, or vegetation management plans to prevent property damage or loss due to wildfire and reduce safety risk to emergency personnel per the standards within.
   c. Development in areas with high risk of wildfire, as identified by the WHO, shall meet the requirements for Section 5-4-3.
   d. The Fire Marshall and/or District Ranger may be consulted by the County to help determine whether the site, landscape, and/or vegetation management plan is adequate for safe fire protection in the event of a wildfire.

1-5 : Areas of City Impact

A. Purpose
The Areas of Impact around each city (Tetonia, Driggs, Victor) constitute their own unique zoning districts. Although they are within the jurisdiction of Teton County, the unique zoning, subdivision, and land use regulations for these districts must be negotiated with the cities in accordance with Idaho Code Section 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*.

B. Establishment of the Boundaries and Areas of City Impact in Unincorporated Teton County requires negotiation of an Area of Impact Agreement with each city and adoption of separate ordinances determining both the boundaries of the Area of Impact as well as the specific zoning, subdivision, and land use regulations as outlined in Idaho Code Section 67-6526.The Areas of City Impact for each *city* are hereby incorporated as shown on the *official zoning map*. Establishment of the zoning, subdivision, and land use regulations applicable within Areas of City Impact Lands are governed by the terms of the County-*City* agreements. These agreements are codified by County ordinance in Title 7.

1-6: 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 (Planning Act);
3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and
4. Other requirements of applicable law.

B. Planning, Review and Approval Authority

1. Board of County Commissioners (BoCC)
   a. The BoCC 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 BoCC may appoint and maintain a Planning and Zoning Commission by ordinance, as provided in the Planning Act.
   c. The BoCC will adopt and maintain the LDC pursuant to the notice and procedural requirements set forth in the Planning Act regarding adoption of a zoning ordinance and districts.
2. Planning and Zoning Commission (PZC)
   a. The PZC has the powers and duties identified in the Planning Act, as conferred to it by the BoCC, including the development of a *comprehensive plan* as outlined in Teton County Code Title 2.
   b. The composition of the PZC shall be pursuant to appointment by the BoCC 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 PZC shall develop and adopt a *comprehensive plan* in accordance with the requirements of the Planning Act.
3. Planning Administrator (Administrator)
   a. The Administrator or their designee has the powers and duties identified in the Planning Act, including, but not limited to review, recommendation, and final actions as expressly set forth in this chapter.

1-7 Violation and Penalty

A. Violating any provisions of the LDC shall constitute an infraction punishable by a penalty of one hundred dollars ($100.00) for the first violation, two hundred dollars ($200.00) for the second violation, and three hundred dollars ($300.00) for the third violation. Each subsequent violation shall be punishable by either (1) continued infractions punishable by a penalty of three hundred dollars ($300.00) or (2) a misdemeanor punishable by up to six (6) months in jail and a three hundred dollar ($300.00) fine. These punishments shall not enjoin Teton County from seeking further civil remedies for each violation. Every day or portion thereof during which a violation is committed, continued, or permitted is a separate offense and is punishable as such.

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. *Nonconforming Uses* and *Structures* not to be expanded

Nonconforming uses or *structures* shall not be modified, changed, expanded, or replaced except in conformance with the present requirements of the LDC.

C. Repairs; Maintenance

Nonconforming structures may be maintained and repaired, in accordance with applicable County building code requirements. However, repairs and maintenance may not increase the capacity or 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 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* may not be expanded, enlarged, extended, or increased, except in accordance with present LDC requirements.
2. *Nonconforming structures* may be relocated to another location on the premises only if the Administrator agrees in writing that such relocation eliminates or reduces the extent of nonconformity. Otherwise, *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. Abandonment of a *nonconforming use* shall be governed by Idaho Code Section 67-6538.

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 PZC may deem *lot* size an *undue hardship* and a basis for the minimum *variance*s needed to permit construction of one *dwelling unit*, unless the PZC makes an express finding that *variance*s sufficient to permit construction of a single *dwelling unit* on a *nonconforming lot* conflicts with the public interest, under Idaho Code Section 67-6516 and Section 4-9 of the LDC, *Variance*s.
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 may 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.

1-9 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 *developments* will be processed pursuant to Chapter 4 provisions related to modifications to a *plat*.

1-10 Measurements and Exceptions

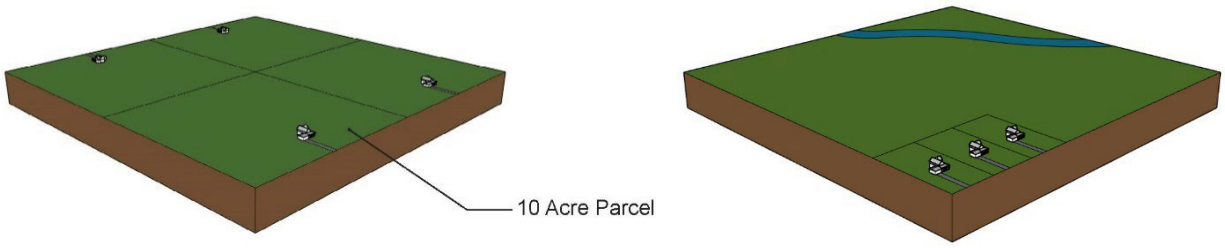
A. Defined Terms

Terms included in Chapter 7, Definitions, are shown in "*italics*" throughout the LDC.

B. *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*.

Average Density Illustrated



C. *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

Lot width is the distance between the two side *lot line*s 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.

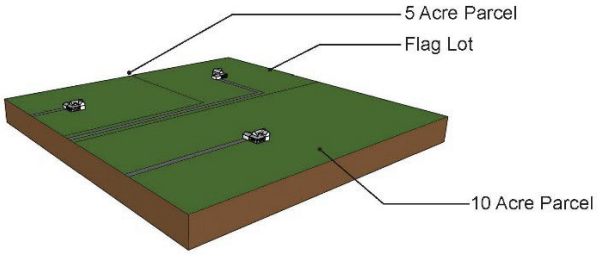
4. *Lot Frontage*

   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 thirty (30) feet *abutting* a public or *private road* generally intended to make deeper property accessible.

Flag Lot Illustrated



D. Type of *Setbacks*

Building setbacks apply to both *principal* and *accessory buildings* or *structures*, except where it explicitly states otherwise. There are four (4) types of standard *lot setbacks* and four (4) types of sensitive land *setback*s:

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

E. 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.
4. All *lot line*s that are not *primary roads*, side *roads*, or rear *lot line*s 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.

F. 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.

G. Irregular Shaped *Lots*

   The Administrator will determine *setbacks* for irregularly shaped *lots*.

H. 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 *road*s 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.

I. *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 and/or unenclosed porches or decks, stoops, balconies, galleries, and awnings/ canopies may extend into a required front or side *setback* up to two (2) feet or up to six (6) feet into a rear setback.
      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. Handicap ramps may encroach to the extent necessary to perform their proper function.
      e. *Structures* below and covered by the ground may encroach into a required *setback*.
      f. 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*.
      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 Section 5-9.

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 ten (10) feet, provided that such extension is at least three (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*.

J. *Building* Height
1. Building height shall be measured from the vertical distance of the average between the highest and lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest point of the roof.

K. 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 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 this LDC, minimum requirements shall require the next whole number. For example, a parking requirement of 7.4 spaces shall require 8 spaces.

L. 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.

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 Zone District Table

Table 1. Zone District Table

Zone District	Average Density	Min Lot Size	Min Lot Width	Min Front and Side Setbacks	Min rear Setback	Maximum Building Height
AOI-2.5, Area of Impact Zone 1	--	2.5 acres	--	30'	40'	30'
AOI-20, Area of Impact Zone 2	--	20 acres	--	30'	40'	30' 60' for agricultural buildings
IR, Industrial/Research	--	1 acre	70'	10'	10'	45' 60' for agricultural buildings
RN-5, Rural Neighborhood	5 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings
FH-10, Foothills	10 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings
FH-20, Foothills Priority Protection	20 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RR-20, Rural Residential	20 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RA-35, Rural Agriculture	35 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings
LA-35, Lowland Agriculture	35 AC/DU	1 acre	100'	30'	40'	30' 60' for agricultural buildings

2-2 AOI-2.5, Area of Impact Zone 1

A. Description

AOI-2.5 is 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.

B. Dimensional Standards

1. Minimum Lot Size – 2.5 acres
2. Minimum Lot Width – NA
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum *Building* Height – 30 feet, 60 feet for *agricultural buildings*

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.

2-3 AOI-20, Area of Impact Zone 2

A. Description

AOI-20 is 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.

B. Dimensional Standards

1. Minimum Lot Size – 20 acres
2. Minimum Lot Width – NA
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum *Building* Height – 30 feet, 60 feet for *agricultural buildings*

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.

2-4 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 uses. 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
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

2-5 RN-5, Rural Neighborhood

A. Description
The Rural Neighborhood (RN-5) Zone is intended to accommodate primarily residential uses at an average *density* not exceeding **one (1) *lot* per five (5) acres**. RN-5 serves as a transitional zone between the Areas of City Impact and rural areas. This zone is intended to serve as a receiving area in a potential Transfer of Development Rights program wherein gross density of one (1) lot per two and a half (2.5) acres would be allowed with the appropriate density credits.
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
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

2-6 FH-10, Foothills

A. Description
The Foothills (FH-10) *Zone District* is intended to ensure *development* is in harmony with mountainous and hilly settings that are at higher risk to wildfire and notable for wildlife values. FH-10 serves to provide limited residential *development* with an average *density* not to exceed **one (1) *lot* per ten (10) acres** in the foothills of the Western, Southern, and lower elevation Northeastern portions 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 threats to life and property 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*

C. Uses

See Chapter 3, Use Provisions

2-7 FH-20, Foothills Priority Protection

A. Description

The Foothills Priority Protection (FH-20) *Zone District* is intended to ensure *development* is in harmony with mountainous and hilly settings that are at higher risk to wildfire and are of high priority for protection of known wildlife values. FH-20 serves to provide limited residential *development* with an average *density* not to exceed **one (1) *lot* per twenty (20) acres** in the higher elevation foothills of the Northeastern portion of the valley. The intent for *development* in the FH-20 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 threats to life and property 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*

C. Uses

See Chapter 3, Use Provisions

2-8 RR-20, 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 an average *density* not to exceed **one (1) *lot* per twenty (20) acres** near the incorporated areas while maintaining the rural atmosphere of Teton County. RR-20 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 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

2-9 RA-35, Rural Agriculture

A. Description

The Rural Agriculture (RA-35) Zone is established to provide areas primarily used for agricultural purposes and very low *density* residential with an average *density* not to exceed **one (1) *lot* per thirty-five (35) acres**. The intent of RA-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 *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

2-10 LA-35, Lowland Agriculture

A. Description

The Lowland Agriculture (LA-35) *zone district* (known as Mixed Agriculture/Wetland in the *comprehensive plan*) allows an average *density* not to exceed **one (1) *lot* per thirty-five (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 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

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 considered the primary use and may exist as the sole use of the property. More than one *principal* use may exist on a property. *Principal* uses may be permitted, limited, or special per the descriptions in Sections 3-2-1 and 3-2-2. 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 an LDC Amendment per Section 4-4.

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:

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;

5. Is located on the same *lot* as the *principal* use served; and
6. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an LDC Amendment per Section 4-4.

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 that is allowed or permitted by right in the respective district. The use is also subject to all other applicable requirements of the LDC.

B. Limited Use (L)
Indicates a use that is allowed in the respective district, by Planning Administrator approval per Section 4-3 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 3-10. The use is also subject to all other applicable requirements of the LDC.

C. Special Use (S)
Indicates a use that may be allowed in the respective district only after recommendation by the PZC and approval by the BoCC 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. Uses Not Permitted (--)
Indicates that a use that is not allowed in the respective district.

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

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted									
Principal Residential Uses									Section 3-3
Dwelling Unit, Primary	P	P	P	P	P	P	--	P	Section 3-3-1
Group Residence	P	P	P	P	P	P	--	P	Section 3-3-2
Short Term Rentals	L	L	L	L	L	L	--	L	Section 3-3-3
Principal Agricultural Uses									Section 3-4
Agricultural Auction Facility	L	L	L	--	L	L	L	--	Section 3-4-1

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted									
Agricultural Building	P	P	P	P	P	P	P	P	Section 3-4-2
Agricultural Operation	P	P	P	P	P	P	P	P	Section 3-4-3
Aquaculture	L	L	--	--	L	S	L	S	Section 3-4-4
Beekeeping, Commercial	L	L	--	--	--	--	--	--	Section 3-4-5
Beekeeping, Backyard	P	P	P	P	P	P	--	P	Section 3-4-6
Livestock Processing, Commercial	S	S	--	--	S	--	--	--	Section 3-4-7
Principal 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	--	L	Section 3-5-2
Club or Lodge	S	S	S	S	S	--	--	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	--	P	Section 3-5-6
Places of Worship	S	S	S	S	S	S	--	S	Section 3-5-7
School, Secondary (College or University)	S	S	--	--	--	--	P	P	Section 3-5-8
School, Secondary (Trade or Vocational)	S	S	--	--	--	--	P	P	Section 3-5-9
Utilities, Major	S	S	S	S	S	S	S	S	Section 3-5-10
Utilities, Minor	P	P	P	P	P	P	P	P	Section 3-5-11
Principal Commercial Uses									Section 3-6
Animal Care, Domestic	P	P	S	S	L	L	L	L	Section 3-6-1
Bed and Breakfast	L	L	L	L	L	L	--	L	Section 3-6-2
Campground,	S	S	S	S	S	--	S	--	Section 3-6-3
Campground, Resort	S	S	S	S	S	--	S	--	Section 3-6-4
Campground, Long-term Rental	S	S	S	S	S	S	--	S	Section 3-6-5
Daycare	S	S	S	S	S	S	--	S	Section 3-6-6
Drive-In Theater	--	--	--	--	--	S	S	--	Section 3-6-7
Garden Center	S	L	L	--	S	L	L	L	Section 3-6-8
Golf course	S	S		--	S	S	--	S	Section 3-6-9
Guest/Dude Ranch	S	L	L	S	S	--	--	--	Section 3-6-10
Horse Stable, Riding Academy, Equestrian Center	P	P	S	S	P	L	--	L	Section 3-6-11
Nursery	P	P	P	P	P	S	S	S	Section 3-6-12
Shooting Range, Indoor	L	L	L	L	L	--	L	--	Section 3-6-13
Special Event Facility	S	S	S	S	S	--	--	--	Section 3-6-14
Vehicle and Equipment Sales/Rental	--	--	--	--	--	S	L	S	Section 3-6-15
Principal Industrial Uses									Section 3-7
Aviation Field, Heliport	--	--	--	--	--	--	S	--	Section 3-7-1
Industrial, Heavy	--	--	--	--	--	--	S	--	Section 3-7-2
Industrial, Light	--	--	--	--	--	--	P	--	Section 3-7-3
Food and Beverage Processing Facility	S	S	S	S	S	S	L	L	Section 3-7-4

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted									
Mineral Resource Development	S	S	--	--	S	--	P	--	Section 3-7-5
Outdoor Storage, Industrial	--	--	--	--	--	--	P	--	Section 3-7-6
Solar Energy System, Small Scale	L	L	L	L	L	L	L	L	Section 3-7-7
Solar Energy System, Medium Scale	L	L	L	L	L	L		L	Section 3-7-8
Solar Energy System, Large Scale	L	L	L	S	L	--	L	--	Section 3-7-9
Vehicle Service and Repair	S	S	S	--	S	S	P	S	Section 3-7-10
Warehouse, Storage and Distribution	--	--	--	--	--	--	P	--	Section 3-7-11
Waste-Related Service	--	--	--	--	--	--	S	--	Section 3-7-12
Waste-Related Service, Commercial Composting	S	S	--	--	--	S	S	--	Section 3-7-13
Wind Energy System, Small-Scale	L	L	L	L	L	--	P	--	Section 3-7-14
Wireless Communications, Amateur Radio Operator Tower	L	L	L	L	L	L	L	L	Section 3-7-15
Wireless Communications, Building-Mounted	P	P	P	P	P	P	P	P	Section 3-7-16
Wireless Communication Tower	L	L	S	--	L	S	L	S	Section 3-7-17
Principal Recreational Uses									Section 3-8
Park, Recreation Field	P	P	S	S	P	P	--	P	Section 3-8-1
Shooting Range, Outdoor	S	S	S	S	S	--	--	--	Section 3-8-2
Recreation, Motorized	S	S	S	S	S	S	S	S	Section 3-8-3
Accessory Uses									Section 3-9
Accessory Building/Structure	P	P	P	P	P	P	P	P	Section 3-9-1
Accessory Dwelling Unit, Attached	P	P	P	P	P	P	L	P	Section 3-9-2
Accessory Dwelling Unit, Detached	P	P	L	L	P	P	--	P	Section 3-9-3
Agritourism – Onsite Accommodations	L	L	--	--	S	--	--	--	Section 3-9-4
Employee Housing	S	--	--	--	S	S	S	S	Section 3-9-5
Home Business	P	P	P	P	P	P	--	P	Section 3-9-6
Home Daycare	L	L	L	L	L	L	--	L	Section 3-9-7
Home Industry	L	L	L	L	L	L	--	L	Section 3-9-8
Temporary Uses									Section 3-10
Exempt Temporary Uses	P	P	P	P	P	P	P	P	Section 3-10-1
Temporary Uses/Events	L	L	L	L	L	L	L	L	Section 3-10-2
Temporary Portable Storage Containers	L	L	L	L	L	L	L	L	Section 3-10-3
Temporary Structures as Living Quarters	L	L	L	L	L	L	L	--	Section 3-10-4
Food Vending, Outdoor[1]	P	P	P	P	P	P	P	P	Section 3-10-5

Notes:

1. Outdoor food vending may also be considered an accessory use but as it is permitted through a temporary use permit it is included in the Temporary use section.

3-3 Principal Residential Uses

3-3-1 Dwelling Unit, Primary

A. Defined

A residential *structure* designed and constructed for occupancy by one (1) 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 uni*ts 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.

3-3-2 Group Residence

A. Defined

A primary *dwelling unit* that includes a group residence in which eight (8) or fewer unrelated *perso*ns with developmental 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 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.

3-3-3 Short-Term Rentals

A. Defined

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 short-term rentals shall be legal residential *dwelling units* consisting of habitable space.
2. 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 rights-of-way. Off-site parking is not allowed.
3. Upon the submittal of a short-term rental business permit, and its associated fee, it will be determined if the rental can be supported by the capacity of the wastewater treatment system. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. Camping and RV use shall not exceed the number of tenants specified on the short-term rental business permit.

5. Quite hours must be observed between 8:00 p.m. to 8:00 a.m.
6. 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 3-10-2.
7. 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. 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.
9. 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, thirty (30) days prior to the commencement of initial short-term rental activity.
10. 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.

3-4 Principal 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 Section 5-7, *Buffers*, Screening and Fencing.
3. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3.

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 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* or *structure* 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 viticulture 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 (Beekeeping 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 on-site, including on-farm auctions, or at a farmers or roadside market;
9. Participating in a government sponsored agricultural program.

B. General Use Standards

1. In accordance with 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.
2. The above shall not apply when a change in operation results in a *violation* of codified standards for public health and safety.

3-4-4 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 Beekeeping, Commercial

A. Defined

The tending of beehives and the production or processing of bee products for operations of sixteen (16) hives or larger.

B. Limited Use Standards

1. Required proof of registration with the Idaho State Department of Agriculture.
2. No colony shall be permitted within any *setback*.
3. Notification of operation shall be sent by permit applicant to all 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.
4. Minimum *lot* size of one (1) acre with a maximum of two (2) colonies per acre.

3-4-6 Beekeeping, Backyard

A. Defined

The tending of beehives and the production or processing of bee products for operations with fifteen (15) or less hives as associated with a primary *dwelling unit*.

B. General Use Standards

1. Minimum *lot* size of one (1) acre, with a maximum of two (2) colonies per acre.
2. All colonies must be *setback* at least thirty (30) feet from all *lot lines*.
3. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.

3-4-7 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.
   1. All activities shall be conducted within an enclosed *building*.
   2. Noise shall not exceed seventy (70) decibels at the property boundaries.
   3. All *buildings* shall be adequately vented.
   4. Odors or fumes shall not be detectable beyond the walls of the *building* where the processing services are conducted.

3-5 Principal 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.
   2. The *structures* shall not exceed thirty-five (35) feet in height.
   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 Section 5-7.
   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).

C. Limited Use Standards for Interment and Removal

Each interment or removal of human remains in a private burial ground shall meet the following standards:

1. Interment or removal of human remains in a private burial ground may occur only 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 ground, 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 day-use facility used for associations or organizations of an educational, recreational, or social character, not operated or maintained for profit. Representative organizations include but are not limited to Elks, Veterans of Foreign Wars, or Lions.

B. Use Standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3.
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 facilities shall be turned off no later than 10:00 pm.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

3-5-4 Conservation Area

A. 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.

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

A. 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.

B. Special use standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3.
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 for conducting organized religious services.

B. Special use standards

1. Minimum *lot* size for a place of worship shall be one (1) acre.
2. *Buildings* must meet the height requirements for the Zoning District in which the place of worship is located.
3. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3 for all visitors, volunteers, and employees.

4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

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 shall be consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3 for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

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.

B. General Use Standards

1. The minimum *parcel* size for a trade or vocational school use is consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3 for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

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 Section 5-7 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, 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*.
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 Section 5-7-4.

3-6 Principal 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 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 one hundred (100) foot separation shall be maintained between the area and *structures* where animals are housed and any property line.
3. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.

C. Limited Use Standards (in addition to the General Use Standards)
   1. A Type A *Buffer* per Section 5-7 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 and special use standards (Limited use for up to three (3) units, special use for four (4) to eight (8) units).
   1. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
   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.
   3. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
   4. One parking stall for each bedroom must be provided on-site for all residents, visitors, guests, and employees.
   5. *Signs* advertising the Bed and Breakfast are limited to one unlit wall *sign* no larger than three (3) square feet in area.
   6. Central dining facilities shall be provided for guests.
   7. Guest units shall not have cooking or eating facilities.
   8. Any food service must be reviewed and approved by the Teton County Fire Marshal.
   9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
   10. The Bed and Breakfast shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.

3-6-3 Campground

A. Defined
   Campsites with individual water, sewer, and/or electrical hookups for two (2) to sixty (60) tents, *recreational vehicles,* cabin sites, or travel trailers.

B. Special use standards
   1. Minimum *lot* size of forty (40) acres.
   2. Maximum overall gross *density* shall not exceed a half (0.5) campsite per acre.

Parcel Size	Maximum number of campsites
40 acres	20 campsites
60 acres	30 campsites
80 acres	40 campsites
100 acres	50 campsites

120 acres	60 campsites

3. A minimum of 80% of the site shall remain undeveloped *open space*, parks, or recreational amenities. Undeveloped space does not have to be contiguous.
4. Tent sites shall include a level pad 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.
5. 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.
6. All *development* shall be setback a minimum of two hundred (200) feet from any property line.
7. On-site wastewater disposal may be provided as approved by East Idaho Public Health for the full capacity of the *campground*.
8. 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.
9. Trash receptacles and dumpsters may be provided. In designated Bear Conflict areas, trash receptacles shall be bear-proof. If trash receptacles are not provided, advance notice to users that they must pack out their trash must be provided.
10. Interior *roads* must meet standards for fire access *roads* for Teton County.
11. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3.
12. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers*, Screening, and Fencing.
13. Stays shall be limited to fourteen days (14) consecutive days in a calendar year.
14. Minor retail and food services may be provided for *campground* guests, clearly incidental and subordinate to primary use of providing lodging.

3-6-4 Campground, Resort

A. Defined

Otherwise known as “glamping” where lodging facilities are provided by the *owner* of the facility. Lodging facilities could include tents, tipi’s, yurts, cabins, *tiny homes*, and other similar *structures* five hundred (500) square feet or smaller.

B. Special use standards

1. Minimum *lot* size of forty (40) acres.
2. There shall be a maximum of ten (10) lodging units.
3. Lodging units shall be *clustered* to provide a minimum of eighty percent (80%) of the site as undeveloped *open space*, parks, or recreational amenities.
4. Glamping facilities, including platforms, *structures*, and sewer and water systems, shall be provided and comply with all State and Local *building* code requirements.

5. 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.
6. Glamping sites must be setback a minimum of two hundred (200) feet from any property line.
7. Two (2) *vehicular parking spaces* shall be provided entirely on the property for each lodging unit.
8. All wastewater disposal shall be provided and shall be approved and permitted by East Idaho Public Health.
9. Permanent toilet facilities shall not be located more than two hundred (200) feet from any site.
10. Interior *roads* must meet standards for fire access *roads* for Teton County.
11. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers*, Screening, and Fencing.
12. Minor retail and food services may be provided for *campground* guests, clearly incidental and subordinate to primary use of providing lodging.
13. Stays shall be limited to fourteen (14) consecutive days in a calendar year.

3-6-5 Campground, Long-term Rental

A. Defined

Lodging sites with individual water, sewer, and electrical hookups for up to sixty (60) tents or *recreational vehicles* for temporary housing for the local workforce.

B. Special use standards

1. Minimum stay of thirty-one (31) days.
2. Minimum *lot* size of forty (40) acres.
3. Maximum overall gross *density* shall not exceed a half (0.5) campsite per acre.

Parcel Size	Maximum number of campsites
40 acres	20 campsites
60 acres	30 campsites
80 acres	40 campsites
100 acres	50 campsites
120 acres	60 campsites

4. A minimum of eighty percent (80%) of the site shall remain undeveloped *open space*, parks, or recreational amenities. Undeveloped space does not have to be contiguous.
5. Tent sites shall include a level pad 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.
6. 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.* A fire pit or grill, and picnic table shall be provided for each site.
7. *All development* shall be setback a minimum of two hundred (200) feet from any property line.

8. Permanent toilet facilities shall be provided and cannot be located more than two hundred (200) feet from any site.
9. All wastewater disposal shall be approved and permitted by EIPH.
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 advance 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. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3.
13. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers*, Screening, and Fencing.

3-6-6 Daycare, Group or Center

A. Defined

Daycare center includes a facility providing care and supervision for compensation during part of a twenty-four (24) hour day, for thirteen (13) 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.

Group day care includes care and supervision for compensation during part of a twenty-four (24) hour day for seven (7) to twelve (12) 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. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
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 and Rescue and Teton County *Planning Department*, to ensure compliance with all applicable regulations.

3-6-7 Drive-In Theater

A. Defined

An open-air theater facility for presenting, showing, or performing films, motion pictures, movies, or other entertainment, including, but not limited to, live or recorded theatrical or musical performances, to patrons primarily seated in motor vehicles or other vehicles. A drive-in theater use may include a screen tower, a projection room/facility, ticketing booths, concession facilities, a restaurant with dining, administrative and office spaces, and employee housing. A bona fide drive-in theater generally open to the public and operating with consistent commercially reasonable business hours may also be used as a special event facility, the parameters of which are to be determined as part of the Special Use Permit.

B. Special Use Standards

1. Minimum lot size of three (3) acres.

2. Connection to, and service from, a public wastewater treatment facility owned and controlled by a municipality or a public utility provider is required.

3. Any screen tower for the display of films, motion pictures, movies, or other entertainment must be located at least 75 feet from all street right-of-way lines, and screen towers may be constructed at a height of up to 60 feet in any zoning district.

4. The viewing projection surface of any screen tower for the display of films, motion pictures, movies, or other entertainment shall be oriented away from the primary public right-of-way.

5. Hours of open operations shall be established in the Special Use Permit review.

6. All lighting and illumination of outdoor facilities, including any screen tower, shall be turned off when the drive-in theater is not actively in use and open for operation.

7. Amplified sound systems are permitted, but shall be designed, constructed, and maintained to minimize off-site noise.

8. Notwithstanding anything to the contrary in this LDC, parking lot landscaping, parking lot lighting, parking lot buffer, and driveway access standards shall not apply.

9. The Scenic Corridor overlay development standards and review process are not applicable.

10. With the exception of vehicle and pedestrian entrances and exits, the perimeter of a drive-in theater facility must be fully enclosed with code-compliant fencing.

11. Parking minimums apply, but there shall be no limit on the maximum number of parking spaces or lot coverage.

12. If applicable, any commercial kitchen facility requires additional review and approval from EIPH prior to operation.

13. Notwithstanding anything to the contrary in this LDC, digital marquee signage is permitted on the back side of any screen(s) erected for the display of films, motion pictures, movies, provided that such signage shall not have scrolling, flashing, or moving messages. The height, sign area, and dimensions of such digital marquee signage may be constructed in excess of any applicable standards with written approval from the planning administrator in connection with the sign permitting requirements and procedures.

14. Buffering and screening shall be required for adjacent residential parcels or parcels with a lower intensity of use as determined in the Special Use Permit.

3-6-8 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.

3. Vehicles, nursery products, 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.

3-6-9 Golf Course

A. Defined

A *tract* of land 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.
2. Sales and rental of golf equipment may be allowed as an accessory use.
3. All accessory *structures* shall be located no closer than one hundred (100) feet to a residential property.
4. Outdoor recreation areas associated with a country club shall be located no closer than fifty (50) feet of any property line.

3-6-10 Guest/Dude Ranch

A. Defined

A ranch that provides multi-night on-site accommodations for guests, provides an on-site 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. Minimum *lot* size for Guest Dude Ranch shall be twenty (20) acres.
2. The maximum number of guests shall be limited to one-half (0.5) guests per acre.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
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*.
5. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency.
6. Central dining facilities shall be provided for guests.
7. Guest units shall not have cooking or eating facilities.
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.

10. The Guest/Dude Ranch shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
11. The *Fire District*, Public Health District, and Teton County *Planning Department* shall be permitted to perform inspections as in any other business.
12. A guest unit shall be a permanent *structure* on a foundation. All other *structures* would fall under *campground* and permitted as such.
13. Up to twelve (12) one (1) day *special events* may be held per year for guests who want to visit but not stay overnight.
14. The sale of meals to *persons* who are not overnight guests of the dude ranch shall be prohibited, except for *special events.*
15. Guest units shall not be rented or sold for a *dwelling unit.*
16. A 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.
17. Employee and guest parking shall be located entirely on-site.
18. The *site plan* shall also show that a minimum of sixty percent (60%) of the property remains as open areas.
19. No *person* shall be a guest of a Guest/Dude Ranch for more than fourteen (14) consecutive days.

3-6-11 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.

B. General and Limited Use Standards
   1. Minimum lot size shall be ten (10) acres.
   2. 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.
   3. Manure piles shall be stored for removal 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 on-site.
   4. Accessory dwelling units will be permitted to house on-site workforce.
   5. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3.
   6. Hours of operation shall be limited to the hours of 8:00 am to10:00 pm daily
   7. All lighting and illumination of outdoor riding facilities shall be turned off no later than 10:00 pm.

3-6-12 Nursery

A. Defined

A place where young trees and plants are raised.

B. General Use Standards
   1. Employee parking shall be provided entirely on-site.

2. Vehicles, nursery product, and other materials shall be located and stored on-site and within applicable *building setbacks* specified for the associated zone district.
3. 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.
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.
5. Sale of goods grown on-site may be provided on-site as an accessory use, not as a retail storefront but rather as a farmers or roadside market.

3-6-13 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.
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.
3. The *applicant* shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
4. At a minimum, there shall be one *parking space* per firing position which meets the dimensional requirements of Section 5-6-3.

3-6-14 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. Such centers may not be utilized by the general public for meals or overnight accommodations.

B. Special use standards

1. Minimum *lot* size for special event facilities shall be five (5) acres
2. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
3. All surface parking areas must be landscaped in accordance with Section 5-6.
4. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
5. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
6. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
7. A Type A *Buffer* per Section 5-7 must be established along all *lot lines abutting* a ground floor residential use.
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.

9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
10. The special event facility shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
11. The *Fire District*, Public Health District, and Teton County *Planning Department* shall be permitted to perform inspections as in any other business.
12. A permanent *structure* on a foundation shall be required for all special event Facilities to house restrooms, food preparation, and *sanitation facilities* at a minimum.
13. A commercial kitchen facility requires additional review and approval from EIPH. Applicant is responsible for any fees associated with reviews.
14. There shall be no overnight lodging at any special event Facility.
15. Special events which meet the descriptions of Section 3-10-2 require a Temporary Use permit.

3-6-15 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 Section 5-7must be established along all *lot lines abutting* a ground floor residential use.
2. All surface parking areas must be landscaped in accordance with Section 5-6.
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 Principal Industrial uses

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 3-7-6.

3-7-2 Industrial, Heavy

A. Defined

Heavy Industrial uses are 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.
2. All storage of materials, products, or equipment associated with industrial use shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Section 5-7.
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. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
6. All wastewater facilities shall meet standards set forth by the nearest *city*.

3-7-3 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 one (1) acre.
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 Section 5-7.
5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
6. All wastewater facilities shall meet standards set forth by the nearest *city*.

3-7-4 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 offer sales of facility related products, and on-site consumption of free samples with no associated seating area, when permitted by the State. This use does not include rendering plants or slaughterhouses (See Section 3-4-7 Livestock Processing).

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*.
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 Section 5-7.
5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.

3-7-5 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* per Section 5-7 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 Section 5-4-2, 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 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.
    b. *Road* construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
9. *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*.
10. The mineral resource *development* shall be marked by warning *signs* posted two hundred (200) feet from mine operations.
11. A plan to retain stormwater runoff within the mineral resource *development* boundaries in compliance with Section 5-2, 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.

3-7-6 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, a *junkyard*, 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 Section 5-7.
3. No storage of uncovered items is permitted that might reasonably be blown away by the wind.

3-7-7 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. 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.

B. 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 Section 5-7 must be established along all *lot line*s where an *abutting* a ground floor residential use is within three hundred (300) feet of the system.

3-7-8 Solar Energy System, Medium Scale

A. Defined
Medium scale solar systems are primarily used for residential use shared by up to ten (10) property *owners*.

B. Limited Use Standards
1. Shall be located on a vacant *parcel* or *tract* in a residential *subdivision*.
2. Shall adhere to *setbacks* required by *zone district*.
3. Shall not exceed a height of twenty-five (25) feet.
4. A Type A *Buffer* per Section 5-7 must be established along all *lot line*s where an *abutting* a ground floor residential use is within three hundred (300) feet of the system.

3-7-9 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 Section 5-7-4.
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:
    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.

3-7-10 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 impervious and screened from neighboring properties per Section 5-7 *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 Section 5-7.
4. Noise shall not exceed 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 Section 5-7 must be established along all *lot line*s *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.

3-7-11 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.

B. General Use Standards

1. 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.

3-7-12 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 Section 5-7.
   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 required *buffer* zone 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 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.

3-7-13 Waste-Related Service, Commercial Composting

A. Defined
   A facility for large-scale composting designed to handle high volumes of organic waste.

B. Special use standards
   1. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
   2. A *site plan* shall be submitted that details information on access, driveways, *parking spaces*, storage areas, *screening*, and loading and unloading areas.
   3. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or *adversely affect* adjoining properties.
   4. The site shall be attended on days of operation. The hours of operation shall be limited to 8:00 am to 8:00 pm seven days a week.
   5. Material shall not be carried onto adjoining properties by the wind or rain.

3-7-14 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 turbine*s. Large scale commercial wind farms are not permitted.

B. Limited Use Standards
   1. Prior to installation, all small-scale wind energy systems shall obtain 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 not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
   4. The wind facility and associated equipment shall not produce a broadband sound level more than 10 decibels above ambient.
   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 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 to minimize erosion and disruption to vegetation

3-7-15 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 forty-five (45) 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 two (2) towers are 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.

3-7-16 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.

B. Limited Use Standards

1. *Building* and antenna combined shall not exceed forty-five (45) feet in height.
2. Shall not interfere with the safe operation of traffic control or public safety equipment.
3. Shall not interfere with sight lines or clear zones for transportation or pedestrians.
4. Shall not interfere with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement.
5. Shall maximize the use of *building* materials, colors and textures designed to blend with the *structure* to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the use of stealth or concealment technology as may be required by the County.

3-7-17 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. Height shall not exceed forty-five (45) feet.
3. All new communications towers must be constructed with excess capacity for co-location. Any *owner* of a telecommunications tower must allow other telecommunications providers 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. Landscaping consistent with a Type A *Buffer* per Section 5-7 must be established along the base of the facility to screen the mechanical characteristics.
5. 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 Principal Recreational Uses

3-8-1 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*.

B. Use Standards
   1. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
   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 facilities shall be turned off no later than 10:00 pm.
   4. All swimming pools will need safety fencing in accordance with State regulations.

3-8-2 Shooting Range, Outdoor

A. Defined

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

B. Special use standards
   1. Minimum *lot* size of forty (40) acres.
   2. Shall be located at least two (2) miles from any incorporated *city* limit.
   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.
   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.
   5. The range shall be designed and located so no spent projectile ammunition travels off-site (does not include casing).
   6. Hours of operation shall be limited to 8:00 am to one hour before sunset or as defined by special use permit through the application process.
   7. The *applicant* shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges per the Environmental Protection Agency (EPA).
   8. All firing line locations shall be oriented such that sound levels do no exceed seventy (70) decibels at the property line.

9. Archery ranges may be established if 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.
11. No tracer rounds or pyrotechnic devises shall be allowed due to fire risk.

3-8-3 Recreation, Motorized

A. Definition

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

B. Special use standards

1. Shall be located at least 4 miles from any incorporated *city* limit.
2. All racetracks 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.

3-9 Accessory Uses

3-9-1 Accessory Building

A. Defined

A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.

B. General Use Standards

1. All *accessory buildings* shall adhere to dimensional standards required by the *zone district* in which it is located.
2. All *structures* over two hundred (200) square feet in floor area require a *building* permit.

3-9-2 Accessory Dwelling Unit, Attached

A. Defined

An attached *accessory dwelling unit (ADU),* or secondary *dwelling*, shall be a completely independent residential living unit for one household, attached to the primary *dwelling* with a separate exterior entrance. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.

B. General Use Standards

1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.
3. The maximum size of an *ADU* shall not exceed 1500 square feet.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

C. Limited Use Standards – *IR* Zone District

1. The *IR* Zone district may accommodate two (2) attached units as an ADU.
2. The maximum size of the ADU shall not exceed 1500 square feet (for either one (1) or two (2) units)
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. ADUs may not be short term rented in the IR zone district

3-9-3 Accessory Dwelling Unit, Detached

A. Defined

A detached *accessory dwelling unit (ADU),* or secondary *dwelling*, shall be a completely independent residential living unit for one household, on the same *parcel* of land as the primary *dwelling unit*. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.

B. General Use Standards

1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.
3. The maximum size of an *ADU* shall not exceed 1500 square feet on parcels 7.5 acres or larger.
4. The maximum size of an *ADU* shall not exceed 1200 square feet on parcels over 2.5 acres up to 7.5 acres.
5. The maximum size of an *ADU* shall not exceed 900 square feet on *parcels* 2.5 acres or smaller.
6. Detached *ADU*s shall be located in accordance with required *setbacks* per the associated zone district.
7. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

3-9-4 Agritourism – Onsite Accommodations

A. Defined

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic or cultural activities, on-site educational programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, horseback riding, fee fishing, and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

B. General use standards

1. All agritourism activities must be secondary to an "Agricultural Operation" as defined per 3-4-3 above.

2. If land has been leased to a qualified "Agricultural Operation", only the Operators shall have the right to conduct agritourism activities, Land Lessors who are not actively farming or ranching themselves do not qualify.
3. Warning *Signs* must be posted per Idaho State Statute Title 6, Chapter 30 Idaho Agritourism Promotion Act to include the following:

   WARNING

   Under Idaho law, there are risks associated with agritourism, which could lead to injury or death. You are assuming these risks. Section 6-3004, Idaho Code.

4. Regardless of the on-farm activity, all guest parking must be on-site and meet the dimensional requirements of Section 5-6-3.
5. No motorized vehicles shall be rented to guests or driven off private property by guests unless moving between unconnected *parcels* for an agricultural activity or tour.
6. Where activity requires the use of public lands, the Operator must have permission from the appropriate agency.
7. All hunting and fishing activities shall require applicable permits & licenses from Idaho Fish and Game and or the Idaho Outfitters and Guides Association, (IOGA) licensing board.

C. Campsite Limited Use Standards (Applicable to RA-35 & LA-35)
1. All overnight accommodations must include at least two (2) hours of agritourism activities for every twenty-four (24) hour stay.
2. Minimum acreage in agricultural production shall be twenty (20) acres.
3. Maximum campsite & occupancy table:

Acreage in Ag production	Number of Camp Sites	Max Occupancy
20	1	2 people
40	1	4 people, in any combination between sites
80	2	8 people, in any combination between sites
120	3	10 people, in any combination between sites
160	4	12 people, in any combination between sites
200 or more	5	14 people, in any combination between sites

4. No more than five (5) campsites are permitted regardless of total acreage in agricultural production.
5. Clustering campsites on *contiguous parcels* is not mandatory, although encouraged when feasible.
6. Campsites shall be set back a minimum of fifty (50) feet from any property boundary.
7. Guests must follow Eastern Idaho Fire Restrictions when applicable.

8. Campsites shall be exempt from standards listed in section 3-6-3 through 3-6-5.
9. No pressurized water source shall be utilized, only non-potable gravity fed systems are permitted. Potable water may also be provided utilizing refillable tanks.
10. Composting toilets, temporary portable toilets (port-a-potty) or EIPH certified pit or vault toilets shall be provided and serviced regularly. The toilet facility provided shall be adequate for the occupancy at the time.
11. Campsites shall not have grid tied power.
12. Overnight accommodations may include, but are not limited, to tent sites with or out without an established "platform" and temporary *structures* such as: a tipi, canvas tent, sheep wagon, yurt, RV, *tiny home* on wheels, primitive cabin on skids and silo converted into rustic cabin.
13. All campsites will limit exterior lighting so that it does not exceed the equivalent of one seventy-five (75) watt incandescent bulb.
14. Quiet hours must be observed between 8:00 pm and 8:00 am.
15. No dumping of sewage will be permitted on site regardless of infrastructure.

D. Campsite *special use* standards (applies only to RR-20, RN-5). In addition, the limited use standards listed above for zones RA-35 & LA-35, zones RR-20 & RN-5 must comply with the following standards.
1. Activities shall not impact surrounding residential areas and must not exceed seventy (70) decibels of noise at the property line.
2. No motorized vehicles may be utilized by guests.

3-9-5 Employee Housing

A. Defined

An accessory *dwelling* occupied by persons principally employed at or engaged in the operation of a business or related by blood, marriage, adoption, or otherwise to persons employed at or engaged in the operation of business.

B. Special Use Standards
1. Minimum lot size shall be five (5) acres in all zone districts excluding the IR district.
2. There shall be a maximum of five (5) *dwelling units* per business, not applicable to home occupations or home industries.
3. *Dwelling units* for employee housing shall be located on the same site as the business operation.
4. *Dwelling units* shall be designed in a *cluster*. For the purposes of these regulations, *cluster* means there must be a minimum of two (2) *dwelling units* on the parcel and the average distance between *dwelling units* is less than fifty (50) feet.
5. Employee housing units shall be occupied by employees only and not available for rental, except to employees. Number of employees per unit shall not exceed number of bedrooms.
6. Dwelling units shall not be short term rented, they shall be restricted to long term rental for employee/workforce housing.
7. Maximum *building* size shall be per Section 3-9-2 and 3-9-3.

8. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

3-9-6 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.*
3. No equipment or process may be used that creates excessive noise (over 70 decibels at the property line), 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 (2) people commuting to the premises.
6. All home businesses shall provide a minimum of two (2) and maximum of four (4) *parking spaces* on-site. Vehicles shall not park in the *public right-of-way*.
7. Storage space and the operation of the business inside the *dwelling* cannot exceed twenty-five percent (25%) of the living space within the *dwelling*.
8. Not more than fourteen (14) clients a day are permitted to visit the home business. At least two (2) parking spots above standard residential parking requirements must be provided on-site, but the business must not exceed four (4) parking spots total.
9. The delivery of materials may not exceed more than ten (10) deliveries per day of trucks larger than 18,500 GVW.
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. *Signs* advertising the home business are limited to one unlit wall *sign* no larger than 3 square feet in area.

3-9-7 Home Daycare

A. Defined

A home daycare provides care and supervision for compensation during part of a twenty-four (24) hour day, for six (6) 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 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 applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. 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.
5. 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. 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. 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.

3-9-8 Home Industry

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 of the property. 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 residential and agricultural uses in the zone where it is located.
6. No equipment or process may be used that creates excessive noise, vibration, *glare*, fumes, odors, or electrical interference.
7. No display of products may be visible from the *road*.
8. Retail sales of goods must be entirely accessory to the industrial use provided on the site.
9. At least 1.5 parking stalls per on-site employee for the industry must be provided on-site.
10. 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 Section 5-7.
11. 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.

12. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
13. The home industry must be conducted by a *person* residing on the premises and may employ no more than two people commuting to the premises.

3-9-9 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

Accessory food service sales are subordinate to the primary business function.

3-10 Temporary Uses

3-10-1 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, 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. Social gatherings with less than fifty (50) people in attendance 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 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.

3-10-2 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) 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 visitors
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 seven (7) days in a thirty (30) day period and are limited to two (2) events per year on the same property.

3. Type 1 and Type 2 *temporary uses* require a *temporary use permit*, as outlined in Section 4-6.

3-10-3 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 ninety (90) 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 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*.

3-10-4 Temporary Structures as Living Quarters

A. Defined

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.

B. Limited Use Standards

1. Temporary *structures* are not allowed as living quarters for more than 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. 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 3-6-3 through 3-6-5.

3-10-5 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. A vendor shall not located where there is limited capacity for parking at recreational facilities.
4. Outdoor food vendor shall apply for a Type 2 *temporary use permit.*

CHAPTER 4 APPLICATION PROCEDURES

4-1 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
Short Plat Land Division	Y	R	D, PH	A	N	Y	N	Y
Subdivision - Concept Plan Subdivision	Y	R	D, PH	A	Y	Y	Y	Y
Subdivision - Preliminary Plat	N	R	R, PH	D, PH	Y	Y	Y	Y
Subdivision - Final Plat	N	R	N	D	Y	Y	Y	Y
Boundary Line Adjustment	Y	D	A	A	N	N	N	N
Key: R = Review, Recommendation D = Decision A = Appeal PH = Public Hearing Required								

	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
Y = Required N = Not Required								
Minor Modification to a Plat	Y	R	N	D	N	N	N	N
Major Modification to a plat	Follow procedures for Preliminary and Final Plat							
Modification of a Special Use Approval	Y	R	D	A	Follow Special Use Permit Procedures			
Appeals	See Section 4-15							
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.								

4-2 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 4-4 through 4-15 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 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 or their designee.
3. Upon receipt of a request for a pre-application conference, the Administrator will advise the *applicant* whether the conference may be held remotely 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."
5. Pre-application Conference may be waived by the Administrator.

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 PZC, BoCC, or other reviewing departments or agencies, unless directed by the Administrator in writing.
2. Fee Schedule
   a. The BoCC 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, the application form 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 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.
4. *Application* Deadline

a. Complete *applications* must be submitted in accordance with the review and noticing 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. External Agency Review
   a. As part of the initial review, the Administrator shall refer the *development application* to the appropriate review agencies and specify the timeframe for comments to be due back to the Administrator.
6. 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 PZC or BoCC, withdrawal will be announced at the meeting.

D. Public 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 PZC, for its recommendation or approval, and the BoCC, 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 PZC or BoCC 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 PZC or BoCC 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 *owner*s and purchasers of record within the premise being considered and those within three hundred (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 PZC.
6. If notice would require mailings to two hundred (200) or more property *owner*s or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).

7. 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 PZC's public hearing.

E. Review Procedures
   1. Within fourteen (14) calendar days of receipt of a complete *application*, including requests for amendment by the Administrator, PZC or BoCC, 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*.
   2. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
   3. Following required public notice, the PZC or BoCC will conduct a public hearing and provide a recommendation or final decision on the *application*.
   4. If following the public hearing, the PZC recommends a material change to the proposed amendment considered at the hearing, the changes will be expressly included in the PZC's recommendation to the BoCC. However, since the BoCC will conduct a subsequent public hearing, further notice and hearings by the PZC are not required.
   5. The PZC has forty-five (45) calendar days from the date of the public hearing to submit their recommendation to the BoCC.
   6. After receiving the recommendation of the *PZC* and holding a public hearing, the BoCC will take action on the *application* by resolution for a *comprehensive plan* Amendment and Ordinance for an LDC Amendment, in accordance with the Act.
   7. If following the public hearing, the BoCC makes a material change to the proposed amendment considered at the hearing, further notice and a hearing will be provided before the BoCC makes a final decision on the proposed amendment.
   8. The BoCC has forty-five (45) calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the *application* back to the *PZC* for additional consideration. This time period may be extended if both the *applicant* and the BoCC agree on an extension.

F. Content and Timing of Final Decisions
   1. Recommendations and final decisions by the Administrator, PZC, or BoCC 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.

5. In accordance with Idaho Code section 67-6536, the BoCC and PZC will maintain a recording and written meetings minutes of the public proceedings for any category of approval from which an *appeal* may be taken.

G. *Application* Approval Timeframe
A *written decision* must be issued within 60 days of the date of decision.

H. Requests for *appeal* or Reconsideration
1. In addition to the opportunity for mediation, pursuant to section 4-2-I, a request for *appeal* or reconsideration of an approval or denial by the Administrator, PZC, or BoCC may be filed in accordance with section 4-15 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 PZC, or the governing BoCC may make a written request to mediate. All such requests and subsequent mediation proceedings must comply with Idaho Code 67-6510.

4-3 Applications Subject to Final Decision by the Administrator

A. The following *applications*, are subject to a final *written decision* by the Administrator:
1. *Temporary Uses;*
2. Limited Uses;
3. Agricultural Land Divisions,
4. Sign Permits;
5. Scenic Corridor Reviews;
6. Boundary Line Adjustments, and
7. Modifications of a Temporary Use.

B. 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.

4-4 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 4-5.

B. Eligible *Applicants*
   1. The BoCC, the PZC, 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* and how it meets the review criteria.

D. Public Notice
   Public notice shall follow the noticing procedures set out in Section 4-2-D above.

E. Review Procedures
   The timeframes related to completeness review and timing of final approval stated in this Chapter are not applicable to proposed amendments to the *comprehensive plan* or LDC text initiated by the Administrator, PZC, or BoCC. Other procedural steps and notice requirements apply.

F. Review Criteria
   1. The recommendations of the PZC and the final decision of the BoCC 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 point in time.
      e. The proposed change is consistent with policies of the *comprehensive plan*, the requirements of the Planning Act, and state and federally mandated uses .
      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 PZC, and compliance with notice and hearing requirements, the BoCC 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 sixty-five (65) calendar days of its final hearing.
2. Any amendment to the *comprehensive plan* shall be made by resolution of the BoCC, in accordance with Idaho Code section 67-6509(c). Amendments to the LDC are made by ordinance of the BoCC.
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, PZC, or BoCC may consider whether the completion of special studies, maps, or analyses is appropriate before making a final decision.

4-5 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*, BoCC, or PZC may initiate consideration of a proposed amendment to the *official zoning map*.

C. Submittals
The following are required to be submitted with an *application* for a zoning map amendment.
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;
4. Written explanation of how the proposed amendment is in accordance with policies of the *comprehensive plan*, the LDC, review criteria, 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. Public Notice and Requirements
Public notice shall follow the noticing procedures set out in Section 4-2-D above.

E. Review Procedures
The timeframes stated in this section are not applicable to proposed amendments to the Zoning Map initiated by the Administrator, PZC, or BoCC. Other procedural steps and notice requirements apply.

F. Review Criteria
1. The recommendations of the PZC and the final decision of the BoCC on an *application* to amend the *official zoning map*, will be based on the following criteria:
    a. The Zoning Map amendment is not in conflict with the *comprehensive plan*.
    b. The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.
    c. The Zoning Map amendment will reinforce the existing or planned character of the area.
    d. 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.
    e. 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).
    f. There are substantial reasons why the property cannot be used according to the existing zoning.
    g. 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.
    h. 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*.
    i. 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.
    j. The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.
    k. 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 PZC, and compliance with notice and hearing requirements, the BoCC 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 made by ordinance of the BoCC.
3. Pursuant to Idaho Code section 67-6511(d), if the BoCC adopts an amendment to the Zoning Map pursuant to a request of the property *owner*, the BoCC 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.

4-6 Temporary Uses

A. Applicability

This section provides for the regulation and approval of *temporary uses*. Except as provided in section 3-10-1, a proposed *temporary use* is required to be approved by the Administrator consistent with this subsection and section 3-10.

B. Submittals

1. All applications for a *temporary use* must include the following:
    a. Complete *application* form;
    b. *Site plan*; and
    c. *Vicinity map*.
2. All minor *temporary uses* that the Administrator deems necessary for additional information and all major *temporary uses* 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 over one hundred (100) attendees or an 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.
        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. Public Notice

All major *temporary use applications* shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures

All *temporary use applications* shall follow the review procedures set out in Section 4-2-E above. Final approval shall be via an approved *temporary use permit.*

E. Review Criteria

1. No permit for a *temporary use* will be issued, except in compliance with the standards of this Chapter, section 3-10, and other applicable provisions of the LDC, including the following:
   a. All necessary permits or written approvals from other agencies have been obtained.
   b. 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.
   c. 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.
   d. The *temporary use* will not have a demonstrable adverse impact on nearby properties or jeopardize the public health, safety, and general welfare.
   e. 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*.
   f. Adequate *sanitation facilities* will be available on the site.
   g. 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.
   h. 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.
   i. 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.
   j. The *application* demonstrates adequate security measures, according to the Teton County Sheriff's Office, to ensure public safety.

F. Additional *Temporary Use* Standards
In addition to the requirements in this chapter and those of section 3-10, 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, 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
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 3-10.

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. Temporary Use Permits may not be used in place of a Special Use Permit for an ongoing use.

3. 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*.
4. 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.

4-7 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 the Use Table, Section 3-2-2, 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. Public Notice
   1. Within fourteen (14) 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
   All limited use *applications* shall follow the review procedures set out in Section 4-2-E above.

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 forty-five (45) 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.
   3. To be considered for an extension the *applicant* is required to fill out an *application* for extension stating the reason for the request along with associated fees. The review and decision-making authority for an extension is administrative unless substantial change in plan has occurred requiring reapplication through full process.

4-8 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 PZC is authorized to make minor modifications to an approved *special use*, as provided in section 4-14-D).

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.
   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. Public Notice
Public notice shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures
All *special use applications* shall follow the review procedures set out in Section 4-2-E above.

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;
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 PZC, and compliance with notice and hearing requirements, the BoCC 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 PZC, in accordance

with section 4-14-D).

H. Expiration
   1. Unless provided otherwise in the *written decision*, *special use* approvals expire one (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.

4-9 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. Public Notice
   Public notice shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures
   All *variance applications* shall follow the review procedures set out in Section 4-2-E above.

E. Review Criteria
   The recommendation of the Administrator and decision of the PZC 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;
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 1-8.

F. Final Decision

Following compliance with notice and hearing requirements, the PZC 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.

4-10 Land Division Review

A. Applicability

1. Land division review, as provided in sections 4-10 through 4-15, 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. *Minor Plat* Amendment
      An adjustment of *lot line*s 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. Short Plat 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*.
   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. Townhouse projects as permitted by Idaho law.
   d. Amendments of a previously divided *parcel* if it is considered a significant amendment as defined in Section 4-14.

B. Eligible *Applicants*
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 4-11 through 4-14:
1. Submittals;
2. Notice and Requirements;
3. Review Procedures;
4. Review Criteria;
5. Final Decision; and
6. Expiration.

4-11 Agricultural Land Divisions

A. Applicability
All existing *parcels* located in the RA-35, LA-35, and RR-20 Districts that meet minimum *parcel* size standards are eligible to divide for agricultural purposes without *building* rights. 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-35	280 acres	140 acres
LA-35	280 acres	140 acres
RR-20	160 acres	80 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 *survey*or 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.
5. Title history report.

C. Public Notice

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 fourteen (14) 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 forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
4. Within fourteen (14) 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 and LA-35 *zone districts*, and 80 acres in the RR-20 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.

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.

4-12 Short Plat Land Divisions

A. Generally
1. The purpose of the short plat 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. Short plat land divisions can be utilized to create up to four (4) *parcels* from any existing *parcel* located in the RA-35, LA-35, RR-20, FH-10, FH-20, and RN-5 *zone districts* that has not been previously platted. The number of allowed *parcels* (existing and new) must comply with average density requirements in the Zone District Table, Section 2-1.
3. Lands divided using short plat land divisions are not eligible for further division by the short plat process. This restriction shall 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. A plat note is required indicating use of density allowance.
5. If a property is located in an area of Natural Resource Overlay, the full *subdivision* process

shall apply.

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* must be accomplished with notations on a *plat* map, and by deed restriction placed in the document of conveyance.

C. Public Notice

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures

The procedures for review and approval of short plat land divisions are as follows:

1. Short plat land divisions require a pre-application conference with the Administrator before submitting an *application*.

   a. The PZC will review *short plat applications*. Public input will be solicited prior to the PZC hearing the proposal.

   b. *Short Plat Subdivision*s 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 *short plat 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 PZC for its review of the *short plat.*

E. Review Criteria
The following criteria must be met for a short plat 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 a short plat land division is approved by the PZC, and the technical survey review is completed, 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.

4-13 Subdivisions

A. Applicability
1. This section applies to all *subdivisions* of land undertaken after the effective date of the LDC.
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

C. Concept Plan
1. Required Submittals
   a. A completed *application* form with materials requested on the application;
   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 PZC*'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 PZC*'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 PZC will review *concept plans*. Public input will be solicited prior to the PZC hearing the proposal.
   b. *Subdivision*s 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 PZC for its review of the *concept plan*.
f. Within fifteen (15) calendar days of its meeting, the PZC 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

The comments of the Administrator, reviewing departments and agencies, and the PZC 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 PZC is provided. However, the record will indicate by motion of the PZC 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 nine (9) months of the date of the PZC*'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.
f. *Development* agreement.
g. HOA *covenants*, conditions, and restrictions document.
h. Any additional studies identified at *concept plan.*

2. Notice

   Public notice shall follow the noticing procedures set out in Section 4-2-D above.

3. Review Procedure
   a. All preliminary *plat applications* shall follow the noticing procedures set out in Section 4-2-E above.
   b. No pre-application conference is required for preliminary *plat applications*. However, the Administrator will meet with the *applicant* upon request.

4. Review Criteria

   The recommendations of the PZC and the determination by the BoCC on the preliminary *plat* will be related to:
   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. Impacts presented from any studies requested related to natural resource overlays, economic impacts, or traffic studies.

5. Final Decision
   a. Following notice and a hearing as required above, and following compliance with, below, the BoCC 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 BoCC, 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*,

6. Expiration
   The *application* for final *plat* must be submitted within twenty-four months of the date of the BoCC'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
      Public notice shall follow the noticing procedures set out in Section 4-2-D above.
   3. Review Procedure
      a. All final *plat application* shall follow the review procedures set out in Section 4-2-E above.
      b. Final *plats* require a pre-application conference with the Administrator before submitting an *application*.
   4. Approval Criteria
      The determination by the BoCC 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;
      f. The BoCC 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 BoCC.

b. Only after final *plat* approval and recording of the final *plat* can *lots* be sold.

6. Expiration

   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.

4-14 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 land division or full *subdivision* process may need to be used to correct previous unauthorized land splits depending on number of unauthorized *lots* in the land split.
3. The corrected *lots* must meet the standards of the LDC and would become eligible for *building* permits where they currently are not.

C. Boundary Adjustment

1. Purpose
   a. The purpose of the *boundary adjustment* is to provide a process to adjust or remove common property lines or boundaries between adjacent *tract*s 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.
2. Applicability
   a. The resulting adjustment shall not create any additional *tract*s or *parcels* and all reconfigured *tracts* or *parcels* shall contain sufficient area and dimension to meet minimum requirements for zoning and *building* purposes.
   b. This section also applies to requested modifications of the boundaries of the *lots* created from land divisions.
3. 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
f. Map of *survey* containing all the required items found in Idaho State Code §55-1906.

4. Review Procedures
   a. Within fourteen (14) 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 forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
   c. Within fourteen (14) 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.
5. Approval Criteria
   a. Conformance with underlying *zone district*. 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.
   c. There is no net increase in *density*.
   d. 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, shall be recorded 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. Minor Modification of a *plat* (short plat or full *subdivision*)
1. Purpose
   a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivision*s, or planned unit *developments*.
2. Applicability

a. A proposed modification to an approved plat will be considered a minor change and therefore subject to this subsection where the proposed changes result in one or more of the following:
    i. Boundary line adjustments between lots within a subdivision,
    ii. Lot consolidations of two or more platted lots into fewer lots,
    iii. Changes to a master plan if they result in a reduction in *density*,
    iv. Adjustment of *building envelopes* that are not in a sensitive areas as identified by the Natural Resource Overlay Map,
    v. Other changes of similar magnitude and minimal *direct impact* as determined by the Administrator.
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.

3. Required Submittals
    a. A complete *application*;
    b. Narrative explaining the changes that are being proposed;
    c. Plat labeled correctly as “Amended Final Plat”;
    d. Recorded documents labeled as “Amended”; and the following as applicable:
        i. Approval letter from Eastern Idaho Public Health, District 7;
        ii. Approval letter from Teton County *Fire District*;
        iii. Acceptance letter from *city* for sewer hookup from the providing community.
4. 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*.
5. Review Procedures
    Minor Modification *applications* shall be approved by the BoCC.

Review Criteria

a. 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.
b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
d. 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.

6. Final Decision
   a. Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the BoCC will issue a written decision on the request for a Minor Modification of a Plat.
   b. After a Minor Modification of a Plat is approved by the BoCC and all fees paid, the plat shall be recorded 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.

E. Major Modification of a Plat (short plat or full subdivision)
   1. Purpose
      a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivision*s or planned unit *developments*, or vacations to a previously recorded right-of-way or *easement* that do not fall under a minor amendment.
   2. Applicability
      a. A proposed modification to an approved plat will be considered a major change and therefore subject to this subsection where the proposed changes result in one or more of the following:
         i. 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.
         ii. Amendments to the recorded Master Plan that do not change use or *density*,
         iii. 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;
         iv. A *boundary adjustment* between a lot in a platted subdivision and an adjacent non-platted property;
         v. Minor changes to the layout of roads, utilities, or other facilities;
         vi. A reduction in the number of lots or parcels;
         vii. 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;

viii. Complete vacation of the plat;
ix. An increase in the number of lots;
x. The re-arrangement or relocation of lots that encroach further into natural resource areas, overlay areas, or move closer to neighboring property;
xi. 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
xii. Addition or change in uses as identified in the original approval.

3. Required Submittals
   a. A complete *application*;
   b. Narrative explaining the changes that are being proposed;
   c. Revised maps showing a proposed vacation or revision to the layout of *lots* or b*uildings* and any reduction in the number of *lots* or *buildings*;
   d. Plat, if applicable, labeled correctly as "Amended Final Plat";
   e. Recorded documents, if applicable, labeled as "Amended"; and the following as applicable:
      i. Approval letter from Eastern Idaho Public Health, District 7
      ii. Approval letter from Teton County *Fire District*
      iii. Acceptance letter from *city* for sewer hookup from the providing community, if applicable.
4. Public Notice and Requirements
   Public notice shall follow the noticing procedures set out in Section 4-2-D above.
5. Review Procedures
   Major Modification *applications* shall be approved by the BoCC through the review procedures set forth in Section 4-2-E.
6. Review Criteria
   a. 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.
   b. 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.
   c. The revised plat or plan shall reduce the impact to neighboring properties.
   d. 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.
   e. Review criteria applicable to a Major Modification to a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively.

f. 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.
g. 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.

7. Final Decision
Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the BoCC will issue a written decision on the request for a Major Modification of a Plat.
8. 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.

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 PZC 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 4-8 and;
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 PZC finds the proposed modification of conditions approved by the BoCC 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.

4-15 Appeals and Reconsideration

A. Applicability
1. In addition to the remedies described in Section 1-7 of the LDC, this section provides the remedy of *appeal* from and requests for reconsideration of final decisions made by the Administrator, PZC, BoCC, 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 PZC or BoCC, as specified in the table in Section 4-1.
4. *Appeals* and requests for reconsideration must be filed with the Administrator within fourteen (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 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.
   2. 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.
   3. 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.

CHAPTER 5 GENERAL DEVELOPMENT STANDARDS

5-1 General

5-1-1 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 *developments* 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

1. Any new *development*, including but not limited to *dwelling units*, *accessory buildings*, and site grading that require a permit, must comply with this Chapter.
2. 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 the health, safety and welfare of the community.

5-1-4 Additions

A. Applicability for Additions

1. For cumulative addition(s) of up to fifty percent (50%) of the existing *gross floor area* or improved site area, only the addition is subject to this Chapter.
2. For cumulative additions of fifty percent (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

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 6 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

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* and *buffers*;
    l. Location and type of existing and proposed exterior lighting;
    m. Distances between driveways and adjacent *roads;*
    n. Location of existing and proposed below- and above-ground *utilities*;
    o. Location and size of well and septic equipment and lines;
    p. Parking and loading areas, including dimensions and a summary of parking and loading spaces required by the LDC;
    q. Existing and proposed fences and walls;
    r. Adjacent *roads*, *alleys*, or other access *abutting* property with *road* names identified;
    s. Location and size of existing and proposed signage;
    t. Snow storage areas; and
    u. Distances from property lines, proposed *structures* and land uses of rivers, *creeks, streams,* ditches, and surface water present on the *lot*.
    v. Identification of sites and *structures* listed on State and National Resisters of Historic Places or on the Idaho Historic Sites Inventory.

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;
f. Proximity to wildlife habitats, Natural Resource Overlays, or Wildland Urban Interface; and
g. Nutrient Pathogen Evaluation.

Table 6. Approval Vehicles for Development Standards

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

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 *development*s and development activity (*roads*, driveways, *building sites*, *site clearing*, *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. Tilling and cultivation associated with existing agricultural operations
    b. Earthmoving that occurs 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.
    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 six inches (6)" from existing grade.
    e. Less than 1500 square feet of earthwork
    f. Development of an agricultural exempt building, as determined by the Building Official
3. There shall be no *development* on slopes over thirty percent (30%).

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 fifty percent (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 property (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 Permit *applications* 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).
      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 fifteen percent (15%).

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. Stormwater is defined as both runoff from storm events and general runoff from snow melt and similar activities. 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.

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 (Catalog) by Idaho Department of Environmental Quality. The process to determine which Best Management Practices (BMPs) are appropriate to the site include:

a. Evaluate site conditions
b. Identify performance goals and regulatory considerations for the site
c. Develop Conceptual Site Design
d. Characterize stormwater flows
e. Evaluate BMPs using Table 4.1 of the Catalog
f. Develop final plans to incorporate BMPs

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.
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 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, DEQ will need to review for impacts to water quality and 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 an *easement* or a 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 Construction in Irrigation Districts

A. Pursuant to section 42-1209 of the Idaho Code, no construction *improvement* or use of any kind shall be permitted when either the *improvement* or use, or the access to the *improvement* or use shall be upon, over or along, or impinge upon an irrigation district, a Carey act operating company, a nonprofit irrigation entity, a lateral ditch association, or drainage district right of way or *easement*, unless there is first obtained written consent from the affected entity.

B. 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.

C. Underground *utilities* that cross irrigation ditches and pipelines must be marked with permanent fiberglass marking posts located fifteen feet (15') 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.

5-2-5 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 twenty percent (20%).

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 four feet (4') 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 thirty percent (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

5-2-6 Geotechnical Analysis

A. 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.*

B. Applicability

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

1. Proposed physical *development* on natural slopes greater than thirty percent (30%).
2. Proposed cut or fill slopes steeper than 2:1 or fifty percent (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.

C. 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

5-3-1 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

All *development and development activity* 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 a *building* permit.

B. All commercial and industrial *development applications* subject to final decision by the Administrator per Section 4-3 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, or adapted, 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, or adapted, 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 adapted 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*.
K. Any pesticide, herbicide, or fertilizer *application* shall be in accordance with US EPA label restrictions and manufacturers recommendations.

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

B. Applicability

1. This section applies to all new *development* within Teton County that is within areas identified as significant wildlife habitat per the County's Natural Resource Overlay Map. 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. The Natural Resource Overlay Map may be updated to reflect new, credible information that is provided to the County.
2. Idaho Department of Fish and Game may identify additional sensitive wildlife habitats outside of the Natural Resource Overlay Map as a result of ongoing wildlife research. Such areas may be considered on a case-by-case basis.
3. Agricultural operations are exempt from meeting the requirements of this section.

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 April 13, 2022:

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 April 29, 2022. 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

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. Priority habitats shall include: Lower Teton River canyonlands including lower Badger and Bitch Creeks; forested foothills along the public land boundary (Teton Front, Horseshoe Canyon, Northeast foothill, etc.); Teton River corridor (valley reach); fluvial cottonwood corridors; and large wetland complexes on the east side of Teton River;
    b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or riparian corridors; and
    c. Maintain connectivity among fish and wildlife habitats and protect sensitive fish and wildlife habitats use for travel, foraging, reproduction, shelter, and security.
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 well maintained and 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. 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 feet (300') 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* and development activity on sites that contain riparian features. This includes *riparian areas* associated with *wetlands*, the Teton River, tributary *streams* and *creeks*, and lakes and ponds.

C. *Setback* Requirement

All physical *development,* development activity and use, except those specified in Section 5-4-2-D, is required to be set back from specified resources as shown in Table 7. The area within the *setback* is defined as the Riparian *buffer*.

Table7. 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

D. *Development* Allowed in Riparian *buffers*

The following uses are allowed in a Riparian *buffer* to enhance the flood protection function and provide for long-term bank stabilization:

1. Planting of native riparian vegetation with handheld equipment.
2. Maintenance of existing plant material.

3. Management activities such as removal of hazardous fallen trees or branches. Those that do not pose a risk to human health and safety shall remain in place as they are beneficial for wildlife and fisheries.
4. Emergency bank stabilization.
5. Control of noxious weeds provided chemical control methods are in accordance with US EPA label restrictions and only by handheld sprayers.
6. Agricultural operations with no disturbance within ten feet (10') of any *stream* bank.
7. Electric, natural gas, cable communications and telephone utility related activities within an existing *easement*.

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.
5. Driveways and *road* crossings are prohibited unless there is no other alternative in which case driveways shall be not *disturb* more than twenty (20) feet in width and *road* crossings shall bridge the primary *riparian area*.
6. Accessory *structures* are prohibited unless for agricultural purposes if no other alternative exists.

F. General *Development* Standards

The following standards apply to allowed *development and development activity* 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, and vegetation used for terrestrial wildlife,
    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.

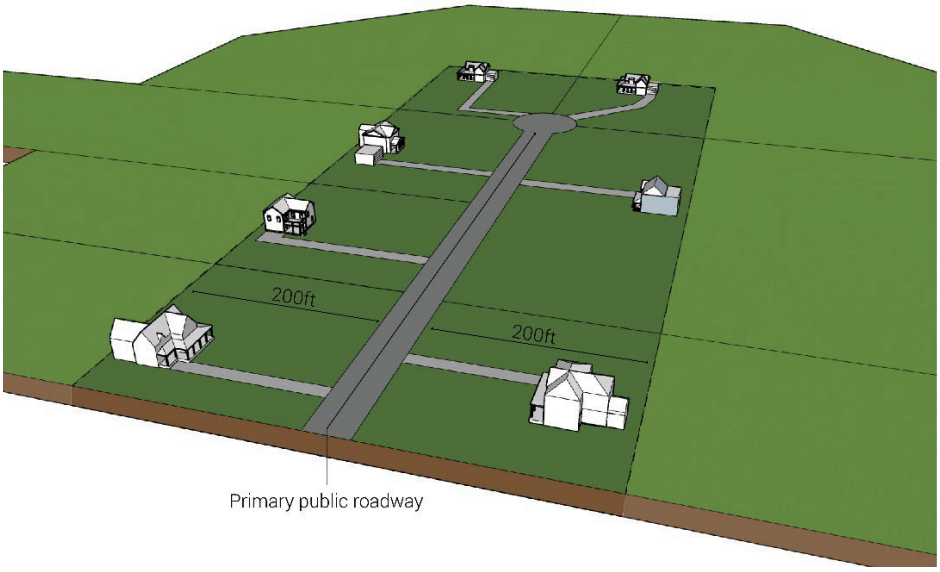
5-4-3 Wildfire Hazard Areas

A. Intent
To protect the health and safety of structures in high-risk wildfire areas.

B. Applicability
These standards apply to all *developmen*t within areas of high wildfire risk as identified on the County's Wildlife Hazard Overlay (WHO) Map.

C. Development of principal and accessory structures in areas with high risk of wildfire, as identified by the WHO, shall be located within two hundred feet (200') of the primary access roadway to provide safe and efficient access for wildfire protection.

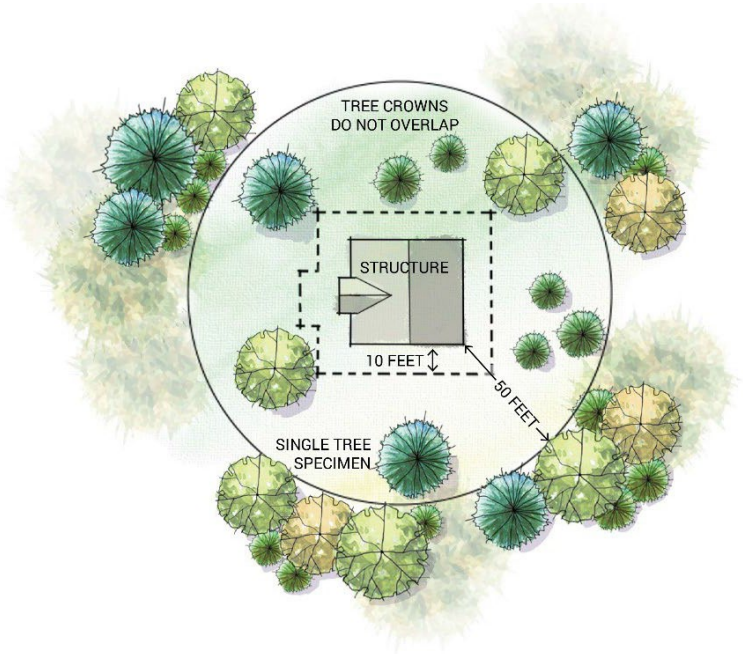
Location of Structures in High Wildfire Risk Areas



D. A plan for management of vegetation and defensible space shall be submitted with site plans for all *principal building* construction.

E. Fuel breaks shall be implemented along access roads, driveways and subdivision boundaries. The fuel break shall be a minimum of ten feet (10') wide. Plant material shall be no taller than four inches (4") in the fuel break and trees limbed up to a minimum height of ten feet (10') above the ground.

F. Defensible space shall be provided around principal structure per the International Wildland Urban Interface Code (general image included below).



5-5 Scenic Resource Protection

5-5-1 Intent

The intent of this section is to maintain Teton County's scenic resources along *highway* corridors by ensuring that the location, scale, and appearance of *buildings*, *structures*, and *development* preserves the rural character of the area by limiting visual intrusion viewed from the four designated roadways as described below, retaining long vistas of the mountains and fields, and preserving existing native vegetation.

5-5-2 Applicability

These standards apply to all *applications* and permits for physical *development* located within five hundred (500) feet of Idaho State Highways 31, 32, and 33 and Ski Hill Road within Teton County. Permits to develop within the Scenic Corridor may be approved administratively if all development standards are met. At the discretion of the Planning Administrator, any applications that do not fully meet standards will require a public meeting to review the application with the Planning and Zoning Commission who will act as the decision-making body.

5-5-3 Resource Areas

A. Type 1 Resources

Type 1 resources exist where lands have been previously disturbed and developed but are still important to the character of Teton County. Type 1 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.

B. Type 2 Resources
Type 2 scenic resources are located along Idaho State Highways 32 and 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 2 resources include long vistas of mountains and fields and uninterrupted *natural skylines*.

5-5-4 Type 1 Resource Development Standards

A. Physical *development* (including new *buildings* and existing *buildings* being replaced) shall be sited from the right-of-way of the state *highway* per Table 8 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*.

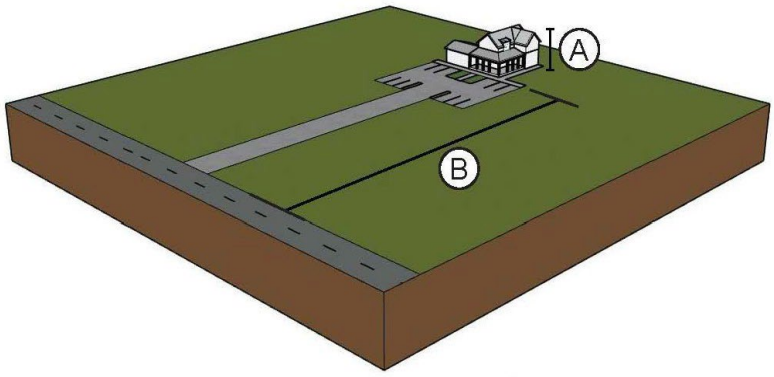
C. Existing *buildings* that encroach upon the dimensions shown in Table 8 shall not perform any repairs, additions or replacements of any portion of the *building* that will encroach any further into the standards in Table 8 than the existing condition.

D. Submittals
   a. a. Site plan including:
      i. All proposed and existing structures,
      ii. Setback from right-of-way of state highway or Ski Hill Road shall be clearly labeled,
      iii. Building envelopes,
      iv. Existing and proposed off-street parking areas,
      v. Exterior elevations of primary structures visible from state highway or Ski Hill Road,
      vi. Description of building materials.
   b. Complete application
   c. Latest recorded deed to the property
   d. Affidavit of Legal Interest (if applicable)
   e. Submit a detailed landscaping plan along with application materials in efforts to limiting visual intrusion from the highway.
      i. Height of landscaping must meet at least half of the height of proposed structure.
      ii. ii. Label/list all plant species (preferably native plants).

Table 8. Type 2 Resource Development Standard Setbacks

	Option 1	Option 2	Option 3	Option 4	Option 5
Building					
A. Height (max)	Max per *zone district*	27’	24’	21’	18’
B. Distance 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



5-5-5 Type 2 Resource Development Standards

A. In addition to all Type 1 Resource *Development* Standards, the following shall apply to Type 2 Resource Areas:
   1. Highly reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.
   2. If *berms* are used to screen structures located within a meadow or pasture, they shall be setback at least fifty feet (50’) from the right-of-way with the side of the *berm* exposed from designated scenic roads shall rise at no greater than a five percent (5%) grade to appear as a naturally occurring extension of the existing topography. *Berms* must be planted in native vegetation.
   3. Revegetation of Disturbed Areas. Lands disturbed by earth moving or *berms* shall be revegetated per Section 5-3 of the LDC.

5-5-6 Ridgeline Protection

A. Physical *development* shall not breach ridgelines as viewed from 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. The analysis shall show the following:

1. In accurate perspective format, illustrate what portions of the points along the scenic corridor or from critical viewpoints.
2. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the *development* as the viewpoint is moved along the corridor.
3. The visual resource analysis shall contain a visual analysis narrative, 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.

5-6 Driveways, Parking, and Access

5-6-1 Intent

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 *improvements* must comply with this Section by way of a driveway or right-of-way access permit from the County Public Works Department.

B. *Encroachments* and Access Points

1. A driveway access from a *public road* 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*.
4. 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.
5. Driveways may be no closer than 50 feet (50') from the intersection of two road rights-of-way, measured from the centerline of the driveway.

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 9. Additionally, the following shall apply:

1. Driveways in excess of one hundred fifty feet (150') in length shall provide a driveway turnaround or pullouts per Public Works Standards, and
2. Driveways in excess of four hundred feet (400') in length shall provide pullouts every four hundred feet (400') per Public Works standards.

Table 9. Driveway Dimensions

Driveway Type		Width (max)	Curb Radius (min)
Residential	12'	24'	15'
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 to ensure parking is located in designated parking areas on-site and not in the *public right-of-way*. Agricultural operations shall be exempt from parking requirements other than those with an agritourism use.

B. Minimum Parking Requirements

1. The minimum number of *vehicular parking spaces* required is shown in Table 10. 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 10. Vehicular Parking Requirements

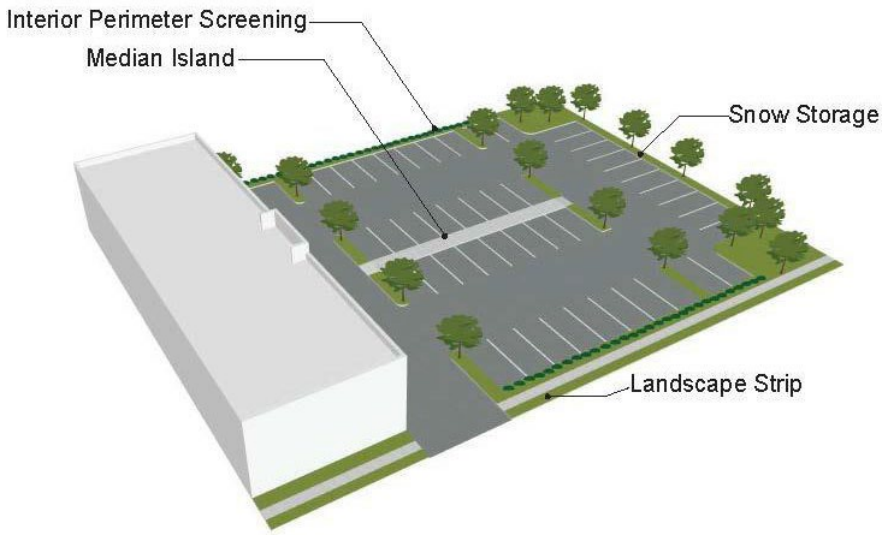
Use	**Required Spaces (min)**
Dwelling Unit	2 per unit
Group Residence	1 per employee (based on number of employees on site at any one time) plus 0.5 per resident
Agricultural Uses	No minimum
Public Uses (other than Schools as detailed below)	1 per 1,000 square feet

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

3. For industrial and commercial uses with 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 vehicle parking must have direct access to a public right-of-way.
   2. All 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 vehicle parking must be designed so that vehicles enter or leave a *parking space* without having to move any other vehicle.
   4. All 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.

Parking Lot Layout Exhibit



D. Parking Lot *Landscaping*

For parking *lots* with twenty (20) or more *parking spaces*, the parking *lot area* must be landscaped with the following:

1. Interior islands provided every twenty (20) spaces.
2. Islands shall be a minimum of five (5) feet in width and contain:
   a. One (1) *shade tree* when *abutting* a single row, or
   b. Two (2) *shade trees* when *abutting* a double row.
3. Perimeter *landscaping* shall be provided per Section 5-7-3.
4. Landscape areas may be designed as stormwater facilities and snow storage facilities.

E. Parking Lot Lighting

Lighting used to illuminate *vehicular parking* shall not exceed twenty feet (20') in height and shall comply with all requirements of in Section 5-8 of the LDC.

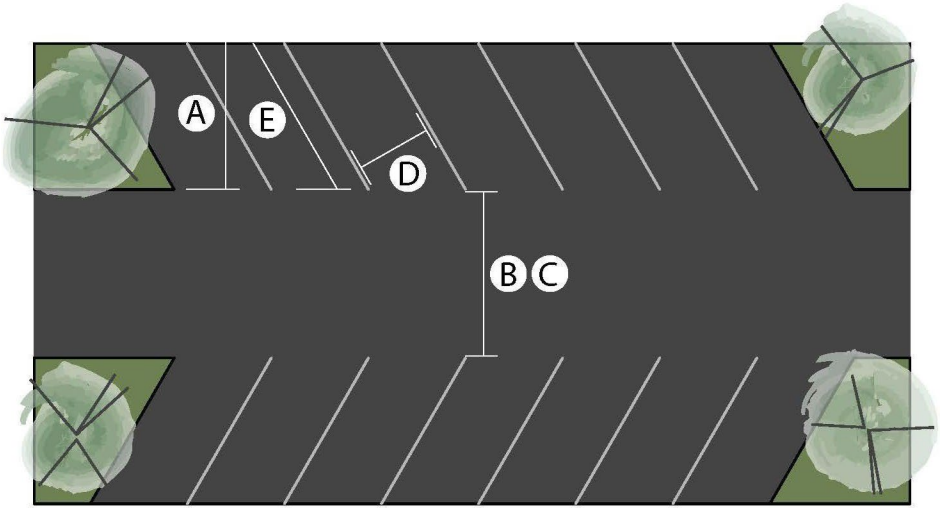
F. *Parking Space* and Aisle Dimensions

Vehicular parking lots must meet the following dimensions shown in Table 11. 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.

Table 11. Minimum Parking Lot Dimensions

Minimum Dimensional Requirements					
Angle	Parking Row Depth (A)	Drive Aisle Width		Space Width (D)	Space Length (E)
		One-Way (B)	Two-Way (C)		

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 *vehicle 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, 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 with *vehicular parking lots* of twenty (20) spaces or more.

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. 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. Space may be required by the Planning Administrator for non-passenger unloading and loading of vehicles for commercial or industrial uses.

B. Location

If a loading space is provided or required, it must meet the following.

1. In the IR *zone district*, 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 fifty (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*.

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, Fencing, and Walls

5-7-1 Intent

Buffers, *screening*, fencing, and walls 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 uses in the IR *zone district* and adjacent properties zoned residential as the primary use.
2. *Buffers* shall be required to mitigate adverse impacts of certain uses as specified in Chapter 3 of the LDC.
3. Type A *buffers* (per below) shall be installed around the perimeter of all *subdivisions* adjacent to property of a lower *density* use.
4. All vegetation used to meet buffer requirements shall remain alive with any dead plant material replaced by the same species or a species with similar growing habit within one growing season.

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 12.

Table 12. Buffer Types

	Minimum number of plants per 100’		
	Buffer Type A	Buffer Type B Option 1	Buffer Type B Option 2*
Minimum Depth	10'	20'	10’
Shade Trees	4	4	4
Understory Trees - 20% shall be evergreen	--	4	--
Large Shrubs - 20% shall be evergreen	10	20	10

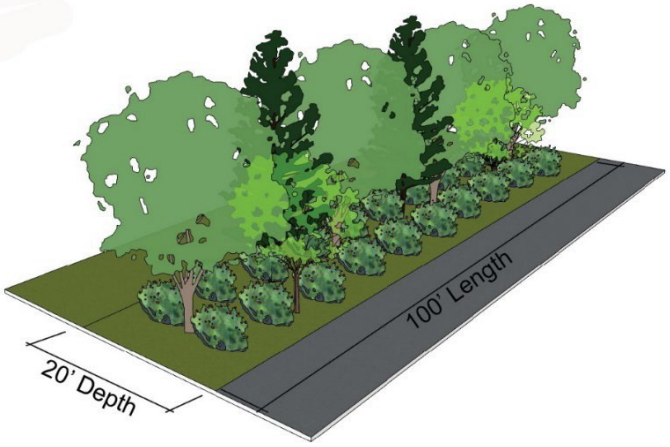
6’ High Privacy Fence or Wall	--	--	Yes

*type 1 plant requirements with a privacy fence or wall

Type ‘A’ Buffer



Type ‘B’ Buffer – Option 1



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 (10’) to a required *buffer*.

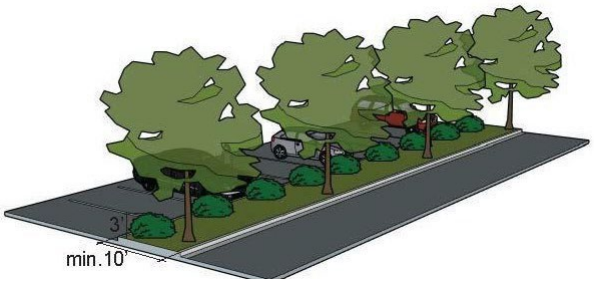
E. Grade Change
   1. In lieu of a required wall or fence, a natural or man-made vertical grade separation of at least 6 feet in elevation may be provided.
   2. The developing property must be located at an elevation lower than the property to be screened.
   3. The stabilized side slopes of the grade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

F. Alternative Compliance
   The *buffer* requirements may be modified by the PZC. The PZC 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.

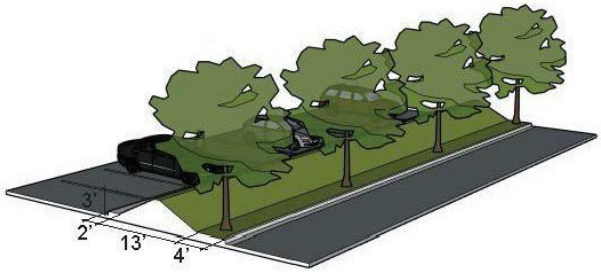
5-7-3 Parking Lot Screening

A. Applicability
   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 foot (10') wide landscape strip planted with a minimum three foot (3') high continuous row of shrubs.

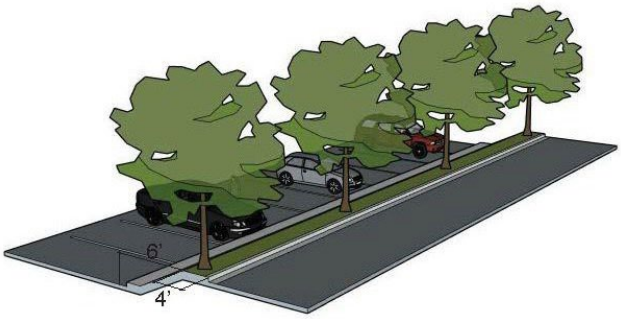


   2. Landscape Strip with *Berm*
      A *berm* a minimum of 3 feet (3') higher than the finished elevation of the parking area.



   3. Landscape Strip with Grade Change

A 6 foot (6') landscaped strip with a minimum grade drop of 3 feet (3') from the *public road* to the parking area planted with a 3 foot (3') 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 feet (6') (this can include the *building* wall). A solid gate with a minimum height of six feet (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. Fences in a required *buffer* must be *opaque*.
4. Wildlife friendly fencing shall meet the requirements set forth in Section 5-4-1.

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 one hundred feet (100'). 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 feet (8') in height.
3. A *subdivision* entrance wall or fence may not exceed eight feet (8') in height.
4. Walls or fences eight feet (8') 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 ninety days (90) (or within one hundred-eighty days (180) 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 of three inches (3') and be at least ten feet (10') tall at time of planting.
2. *Shade trees* must be a locally-adapted species with an expected mature crown spread of at least twenty feet (20').

D. Understory Trees
1. Single-stem understory trees planted to meet the *landscaping* requirements must have a minimum diameter at breast height of one and one half inches (1½") and be at least six feet (6') tall at time of planting.
2. Multi-stem understory trees planted to meet the *landscaping* requirements must be at least six feet (6') tall at time of planting.
3. Understory trees must be a locally-adapted species with an expected mature crown spread of at least fifteen feet (15').

4. A minimum of twenty percent (20%) 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 percent (20%) 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 feet (4') within five (5) years of planting.

5-8 Outdoor Lighting

5-8-1 Intent

The purpose of this section is to allow for 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; only provides *light* when and where needed that is no brighter than necessary; minimizes blue *light* emissions; is fully shielded; and generally conserves energy.

Light Shielding Illustrated



5-8-2 Applicability

The requirements of this section shall apply to all *outdoor lighting* in Teton County. All existing *outdoor lighting* shall be brought into compliance with the standards herein upon change of use or *building* permit and within five (5) years of the effective date of this Land Development Code.

5-8-3 Exemptions

A. This Section does not apply to the following:
   1. Lighting within the *public right-of-way* that is used *principal*ly to illuminate *road*s.
   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 seventy (70) *lumens*.
6. Emergency Lighting.

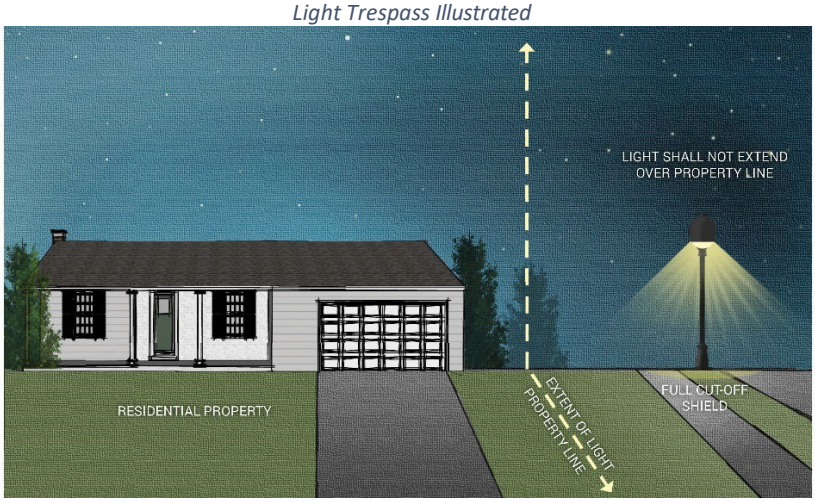
5-8-4 General Development Standards

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 three thousand (3000) kelvin.

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

Light Trespass Illustrated



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 workplace visibility, or otherwise allowed herein, regardless of the date of installation, shall be extinguished after 11:00 PM.

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

A. Parking Lot and Area *Lights*

1. The maximum height shall not exceed twenty feet (20') above average grade.
2. Lighting shall not exceed a maximum initial horizontal *illuminance* of four foot (4')-candles.

B. Outdoor Display Areas

1. The maximum height shall not exceed twenty feet (20') above average grade.
2. Approach and driveway lighting shall not exceed a maximum horizontal *illuminance* of four foot (4')-candles.

3. *Building* Facades and Service Areas shall not exceed a maximum horizontal *illuminance* of five foot (5') -candles.

5-8-6 Lighting Standards for Residential Uses

A. Exterior lighting on *dwelling units* shall be downward directed and no brighter than a sixty (60)-watt incandescent (or equivalent, compact fluorescent or LED rating).

B. With motion sensors, lighting on *dwelling units* shall be no brighter than a seventy-five (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 twenty thousand (20,000) *lumens.*
6. Bare *lamps* (not housed within a *fixture*) or *lamp strings*—except for *holiday lighting*— with outputs exceeding twenty-five (25) *lumens* per *lamp.*

5-9 Signage

5-9-1 Intent

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

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 application*(s) 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 to 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:
   1. The *sign* has damage exceeding fifty percent (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:
   1. Relocated in any manner;
   2. Structurally altered; or
   3. For more than fifty percent (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 *road*s 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 (6') 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.
   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 PZC 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. An individual *flag* cannot exceed thirty (30) square feet in area.
      b. The maximum height of a flagpole is thirty (30) feet, measured from the highest point of the flagpole.
   4. *Signs* designated by the PZC as being Heritage *Signs*.
   5. A *sign* installed inside a window for the purposes of viewing from outside the premises. Such *signs* cannot exceed ten percent (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 six (6) square feet and does not exceed six feet (6') 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 feet (650') 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.

Table13. Signs Requiring a Sign Permit

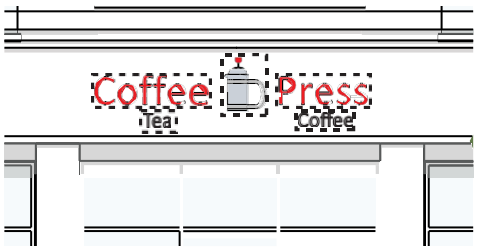
Sign Descriptions	
Specific Sign Types	
Building Signs	
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	
Awning Sign. A building 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.



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 degrees (45^{o}), 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.

Table14. 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

Table15. 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 are suspended)	7' max (from ground above which they are suspended)	2' max	20' max
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 inches (18”) from the property line.
   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 feet (5’) 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 feet (2’) 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 feet (500’) 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 feet (10') from the *front lot line* and fifteen feet (15') 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*.

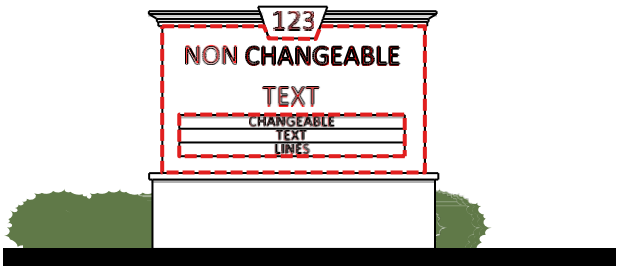
2. Externally Illuminated *Signs*
   a. An externally illuminated *sign* is characterized by the use of artificial *light* reflecting off its surface.
   b. Illumination must be by top-mounted *fixtures* aimed downward, and they cannot exceed two hundred (200) *lamp lumens* per square foot of *sign face*.
   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 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 fifty percent (50%) of the *sign* area.



B. Digital Changeable Copy *Signs*

1. Digital changeable copy *signs* are prohibited unless for public safety notification.

CHAPTER 6 SUBDIVISION DEVELOPMENT STANDARDS

6-1 General Provisions

6-1-1 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. This Chapter applies to all *subdivision development* in Teton County per Section 4-13. This Chapter does not apply to short plat land divisions.

B. The approval vehicle for all *development* standards included in this Chapter is a *Subdivision plat* per Section 4-13.

C. 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.

D. 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. *Road*s 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

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 infra*structure 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.
C. The warranty must list Teton County as a beneficiary.
D. A warranty surety must be provided in an amount of ten percent (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 feet (20') shall be provided to accommodate water lines, sanitary sewer lines, and/or stormwater drainage, irrigation ditches, and pipelines. The minimum width of *easements* for power lines, telephone lines, and other *utilities* shall be fifteen feet (15').
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

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

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

In residential *developments*, common areas, *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.

6-1-10 Postal Delivery System

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

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 *road*s that follow the Teton County *Road* network at increments of 1 mile (1000's) and ½ mile (500's).
B. *Road* jogs with centerline offsets of less than one hundred twenty-five feet (125') are not allowed.
C. All *roads* shall intersect at approximate right angles ninety degrees (90^{o}) with a minimum intersecting angle of seventy degrees (70^{o}).
D. The Public Works Director may modify the *road* layout requirements where slopes in excess of twenty percent (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* over two lots shall create an interior subdivision road for access of all proposed lots.
C. All *subdivision*s 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*.
D. Every new *lot* must abut a public or *private road* or access *easement*.
E. Teton County recognizes the Local Highway Technical Assistance Council Manual for Use of Public Right of Way Standard Approach Policy for access guidelines.
F. A pathway may be required within *subdivision*s 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 *road*s 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 twenty percent (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.
B. All new *road*s 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 *road*s, 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 *road*s 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 road*s 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 road*s must clearly state that such *road*s are *private road*s.
D. In residential *subdivision*s where *private road*s 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 road*s are not allowed. Gates installed on *private road*s 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 road*s 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

Dead-end *road*s or driveways more than one hundred fifty feet (150') 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 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

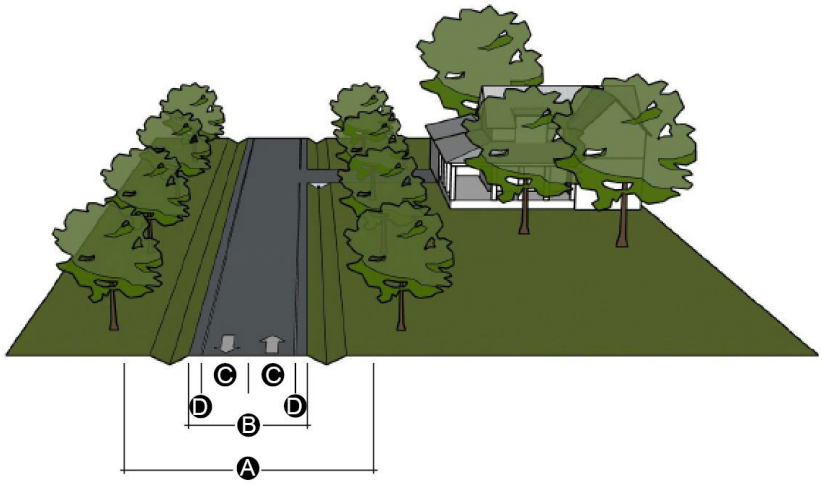
A. New *road*s must be approved by Teton County to provide continuity with existing *road*s and to prevent conflict with identical or similar *road*s names.
B. *Road*s lying on approximately the same line must have the same name unless the *road*s are offset more than one thousand feet (1,000').

6-3-7 Road Types

A. General

All new or extended public and *private road*s must meet the requirements of the "Highway and Street Guidelines for Design and Construction in Teton County, Idaho" as approved by the Public Works Director. Basic roadway dimensions, in accordance with the Highway and Street Guide, are included below for the three primary *road* types.

B. Roadway Dimensions



Local Roads		
Right-of-way width	60’ max, 50’ min	A
Road width	22’ min	B
Travel Lane		C
Shoulder	2’	D
Major Collectors		
Right-of-way width	60’ max, 50’ min	A
Road width	30’	B
Travel Lane	11’ min	C
Shoulder	4’	D
Minor Collectors		
Right-of-way width	60’ (50’ min.)	A
Road width	24’	B
Travel Lane	10’ min	C
Shoulder	2’	D

6-4 Utilities

6-4-1 Intent

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.

6-4-2 Water and Wastewater

A. Potable Water Supply. Any Lot not connected to a public or community potable water system must meet all state requirements for the use of individual water wells. Individual wells must be drilled by a licensed well driller and require a permit from the Idaho Department of Water Resources.

B. Potable Water Supply System. For *developments* of ten (10) or more lots with proposed residential *density* of two (2) or fewer acres per residence, a potable water system shall be provided to meet the following:

1. Where an approved public or community water supply is within five hundred feet (500') of a proposed *development* under these conditions, the *applicant* shall make *application* to the appropriate authority to connect to such water supply. If approval is granted, the *applicant* shall connect to the system and install water lines to make the water supply available to each *lot of record* within the *development* at its property line. The *applicant* shall install water meters to record and bill for water consumed by the individual property.
2. Public or Community Water Supply Not Accessible. Where a community water supply is not available, the *applicant* shall, at the discretion of the BoCC, provide one of the options below, either:
    a. Preferred option - Install Central Water Supply System. The *developer* of the subdivision shall install a central water supply system with all distribution lines and lateral water lines to the lot line of each *lot of record* from wells or other approved sources in accord with Idaho Department of Water Resources, Eastern Idaho Public Health Department, Idaho Department of Environmental Quality, and with the approval of the County Public Works Director. The Central Community Water System shall have a licensed operator who has responsibility for operating and maintaining the system. The Community Water Supply system shall be designed to meet all relevant State and Federal Standards and be approved by the County Public Works Director and Department of Environmental Quality prior to installation. The *developer* shall install water meters for billing purposes and water meter pits to ensure that the connections to the main supply lines are protected from tampering, OR
    b. Provide Evidence of Water Supply Available to Each *Lot of Record*. Submit evidence satisfactory to the County Public Works Director that an adequate water supply meeting all State and County requirements is otherwise available to each *lot of record* in the proposed *development*, such as by an individual well provided that a well meets requirements of Idaho Department of Water Resources for utilizing such a well. The

developer shall demonstrate why a community or central water supply cannot be provided for the *development*.

C. Wastewater Treatment. Any *lot* not connected to a public or community wastewater system must meet all state requirements for the use of individual on-site wastewater systems. Each *lot* shall have an Eastern Idaho Public Health site evaluation at the time a property owner applies for a septic system. All septic systems in the subdivision shall be properly designed and constructed in accord with Eastern Idaho Public Health, Idaho Department of Environmental Quality and the then current Individual Subsurface Sewage Disposal Rules, IDAPA 58.01.03 and the Technical Guidance Manual. Further, *subdivision covenants*, Conditions and Restrictions (CC&Rs) shall require adequate septic tank maintenance in accord with current Eastern Idaho Public Health and Idaho Department of Environmental Quality recommendations.

D. Wastewater Treatment. For *developments* of ten (10) or more lots with proposed residential *density* of two (2) or fewer acres per residence, a wastewater treatment shall be provided to meet the following:

1. Where a public wastewater treatment or sanitary sewer system is located within five hundred feet (500') of a proposed *development* under these conditions, the *development* proponents 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*.
2. Where a public wastewater treatment or sanitary sewer system is not located within five hundred feet (500') of the proposed *development* and is not reasonably available, the *development applicant* shall install sewage disposal facilities which meet approval by Eastern Idaho Public Health, Idaho Department of Environmental Quality and the County Public Works Director. The *applicant* shall provide as a part of the *application* for the *development*, an engineering trade-off study prepared by a civil engineering firm licensed in the State of Idaho that examines the cost benefits of each option considered for treating the sewage produced at each lot or collectively for the entire *development*. The study shall consider, at a minimum, a private septic system located at each proposed lot and shall compare that option with a single or multiple public sewer system located within the *development*. If a study is not included in the *application*, that may be grounds for rejection from consideration of the *application*.
    a. The *applicant* is encouraged to provide a centrally located septic system within the confines of the *development* that is properly sized to accommodate the needs of all lots within the *development*.
    b. The septic system shall be designed by a registered professional engineer and approved by the Eastern Idaho Public Health Department and Idaho Department of Environmental Quality. The *applicant* shall furnish a report of percolation, groundwater, and soil tests. These tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that enough soil tests are made in

separate test holes, spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems.

E. *Subdivision*s 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.

F. 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.

6-4-3 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*.

6-4-4 Fire Protection

A. All *road*s 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

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 ecological value and economic *development* of the County as identified in the *comprehensive plan*.

6-5-2 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. Agriculture
Where active agricultural operations exist, protection of agricultural uses on the *development* area are considered to be a conservation value.

E. Scenic Resources
Where scenic resources defined in Section 5-5 of this Code are present, they 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.
      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. 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

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) for full build-out of any 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 thirty (30) acres or less average *density* with standard on-site septic systems or twenty (20) acres or less average *density* with advanced nutrient reducing on-site septic systems.
   2. *Subdivision developments* in the LA *zone district* with seventy-five (75) acres or less average *density* with standard on-site septic system or forty (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

   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

   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

A. Process

   The BoCC, upon recommendation by the PZC, 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:
      a. The *applicant* may choose to make modifications based on recommendations made by the PZC, the BoCC, the County's technical representative, and the DEQ; or
      b. 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

c. 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.
d. 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 PZC as part of the *application* process.

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***. A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.
- ***Accessory Dwelling Unit (ADU).*** A secondary, independent residential *dwelling unit* located on the same lot as a principal residence or structure. *ADUs* can either be attached to the principal structure or detached.
- ***Area Of Impact (AOI) Agreement***. Agreements between the BoCC 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.
- ***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.

- ***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 Department 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.
- ***Average Density***. The number of *dwelling units* per acre of the total land to be developed including land dedicated to public use.

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 *road*s or between an intersecting *road*s and a right of way, waterway or other similar barrier, whichever is lesser.
- ***Boundary Adjustment***. The adjusting of common property lines or boundaries between *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.
- ***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 required in certain *developments* throughout the County to protect scenic vistas and to ensure defined *building sites* within special *development subdivisions* and planned unit *developments*.

- ***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, 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.

- ***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.
- ***Comprehensive Plan***. The most recent plan or any portion thereof, adopted by the BoCC, which includes all the land within the jurisdiction of the BoCC. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Planning Act.
- ***Concept Plan***. The first formal presentation of the three-phase process for *subdivision development* as required in Section 4-13.
- ***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*, or driveway.
- ***Club/Lodge***. A day-use facility for nonprofit, educational or recreational social gatherings.

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.
- ***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.

- ***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* or *subdivision* activities.
- ***Development***. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of *buildings*, *structures* or *accessory buildings*, or the construction of additions or substantial *improvements* to *buildings*, *structures* or *accessory buildings*, or associated infrastructure. a.
- ***Development Activity***. The construction of *buildings*, *structures*, or *accessory buildings*; 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 *habitable space* 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.

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*.
- ***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 *road*s and final site grading or the pouring of concrete pads) is completed before 03/31/2000.
- ***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 *road*s 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.
- ***Flag.*** A piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a *building*.
- ***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 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, and could include 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

- ***Habitable Space***– A space for human habitation that includes a *building* or *structure* intended to be used for living, sleeping, cooking, and dining.
- ***Health Authority***. Eastern Idaho Public Health, of the Idaho State Department of Health and Welfare
- ***Highway***. A *road* or *road*s 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 output per *lamp* is not greater than fifteen (15) *lumens*.

I

- ***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*.

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.
- ***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 *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. A *lot of record* may be 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. An authorized, signed, and recorded *subdivision plat* 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 August 3, 2022;
        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. An authorized, signed, and recorded *subdivision plat* or planned unit *development plat*.

    c. For *parcels* created after August 3, 2022;
        i. An *agricultural land division*, or
        ii. An Administrative Land Division, or
        iii. An authorized, signed, and recorded *subdivision plat*.
- ***Lot.*** A *contiguous* quantity of land which is defined by *subdivision lot* 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*, 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*.
- ***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.
- ***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* with a permanent foundation 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 on-site unless efforts to mitigate for *development* related impacts on-site have limited value to relevant resources , in which case offsite *mitigation* proposals will be considered.
- ***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.
- ***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

- ***Nonconforming Lot***. A *lot* that either (1) is not a *lot of record* or (2) 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 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 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.
- ***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 August 3, 2022.
- ***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 *road*s, 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, 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 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.
- ***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.
- ***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 *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*.
- ***Right of Way***. A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes *road*, 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

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*
- ***Setback***. A line demarcating that portion of a *parcel* of property which must remain open with no *buildings* or *structure*s, 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 fifty (50) feet.
- ***Short Plat 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 herein and that has not been previously platted. The resulting *parcels* are *lots of record*.
- ***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.
- ***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.

- ***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.
- ***Start of Construction***. This includes substantial *improvement* and means the date activity begins on the construction site.
- ***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 *stream*s, 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 use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.
- ***Subdivider***. Any legal entity who subdivides a *parcel* of land, may also be referred to as a *developer*.
- ***Subdivision***. Except as provided in section 4-10-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

- ***Temporary Use***. See section 3-9-2.
- ***Tiny Home***. means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with International Building Code and does not have an interior habitable area greater than 1,000 square feet.
- ***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.
- ***Vehicular Parking***. A space available for parking of motor vehicles, which conforms to the *vehicular parking* provisions in Chapter 5.
- ***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***. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this Code, *wetlands* generally mean the areas identified as such on the National Wetlands Inventory Map (https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/).
- ***Wetland Delineation***. The process of establishing the existence and physical limits of a wetland for the purposes of federal, state, and local regulations. The National Wetlands Inventory Map may be used as a resource for initial identification of a potential wetland. Final delineation shall be performed by a licensed professional.
- ***Wind Turbine***. An alternative energy device which converts wind energy to mechanical or electrical energy. A *wind turbine* may also be deemed a windmill.
- ***Written decision***. A final determination signed by the Administrator, PZC, or BoCC, or their designee, under the terms of the LDC, which must be accompanied by a reasoned statement

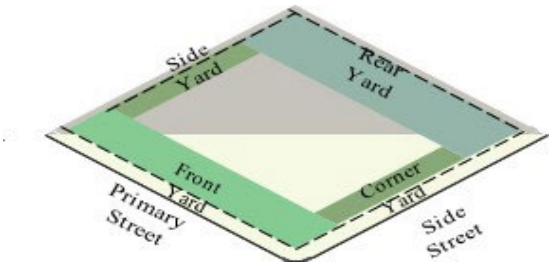
that explains the criteria and standards of the LDC considered relevant, the relevant contested facts relied upon, and the rationale for a final decision based on the applicable provisions of the LDC. W*ritten decision*s resulting in a denial or finding of *violation* must describe actions, if any, an *applicant* or *owner* may take to obtain a final decision of approval or finding of no *violation*.

X

- No terms beginning with the letter X are defined at this time.

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.