Amendment to the Land Development Code

Staff Report – PZC Public Hearing August 25, 2026
To consider adding Family Land Divisions Continued to September 8, 2026

APPLICATION INFORMATION

APPLICANT: Teton County Board of County Commissioners

REQUEST: Amend LDC Sections 4-10 – 4-12 to create a new procedure and regulations for a Family Land Division provision that is exempt from the process and requirements of a subdivision process.

APPLICABLE COUNTY CODE: The Comprehensive Plan and LDC Amendments. 4-4 Comprehensive Plan and LDC Amendments, (Also LDC 3-1-1 (A)(13) (Effective December 4, 2024); and the Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

SUMMARY AND REVIEW PROCESS:

The Board of County Commissioners (BoCC) requested Planning Staff and the Planning and Zoning Commission (PZC) to work on ordinance language to establish procedures and regulations for allowing for exemptions from the requirements of a subdivision procedure. The exact purpose and intent for this was only developed over a number of meetings with both the BoCC and PZC. This evolving purpose statement has created some changes to the provisions of the ordinance from its original conception.

A first step was to look for other jurisdictions which have enacted similar processes and regulations for this. Two Idaho Counties were identified as well as adjacent Teton County, Wyoming. Planning staff reached out to planning departments in these counties to ask questions regarding how the processes were working in those counties and whether they were considering or would suggest changes in there own ordinances.

In the case of Wyoming, legislation was enacted at the state level requiring their counties to adopt specific procedures for this exempt land division. As a result the county is largely bound to the requirements at the state level. Some aspects of Teton County Wyoming's code were incorporated, but the real model used as a starting point was that of Kootenai County in northern Idaho. They had worked with there ordinance for over a year and had approved about two dozen of these divisions. They indicated some concerns with tracking over time as this was relatively new. They noted some aspects of their ordinance that were confusing to the public. An initial draft of an ordinance for this county was shared with the Board for feedback. There was some consensus on some points, however one commissioner indicated they would prefer and ordinance that did not restrict sale to family members which was an integral component of

the ordinances planning staff had found in other jurisdictions. The Board also discussed what aspects should be considered as exempt from the standard procedures and requirements of a regular subdivision process. One aspect that staff asked for clarification on from the Board was related to the density allowances for this process. Some discussion led to the idea that at a minimum the least restrictive zoning requirements for residential subdivisions should be imposed, specifically a minimum of 5 acres average density and a minimum of 1 acre lots were reasonable starting points.

Several work sessions with the Planning Commission were subsequently held where there was much discussion about the purpose and intent. The Commission identified a number of concerns or complexities that needed to be addressed in the ordinance. The County administrator facilitated a poll to address certain aspects of the ordinance. In some of these items there was a high level of consistency in responses including how long the land needed to be held previously, while others yielded no consensus such as appropriate procedural requirements for reviewing this type of application. Later in the process the Board had some additional input where they indicated they believed the process should be administrative.

At the most recent work meeting the PZC discussed at length a parallel process for considering agricultural parcel divisions that allowed for breaking off corners of farm fields which are not easily irrigated in more modern central pivot irrigation systems. At this time the Commission theorized that the process as developed would likely be very cumbersome to administer. The PZC discussed whether there were opportunities to reduce some of this burden by removing the requirement for familial relationships to be a basis for approval. At the end of their meeting however, sections related to this were not recommended for removal. Following their hearing, the PZC could consider again in deliberation whether the removal of these aspects could still maintain the intended purpose of the ordinance, or determine to let the Board to make those decisions.

APPLICATION ITEMS:
Per §4-4 of the LDC Comprehensive Plan & LDC Amendments, this report serves as the written description of the proposed amendment. As this is a new land division process, as currently proposed, it does not replace or modify existing LDC language but adds a new section. This would logically be placed in the Code following generic language related to land divisions in Chapter 4-10 Land Division Review. There was some discussion of the possibility to replace the Short Plat Land Division with this provision if it was expanded to more generally applicable. Otherwise, that section will require revisions to address some know issues and errors in the near future. Subsequent sections of this chapter would need to be renumbered to accommodate locating a new section here.

Below a review of the relevant criteria for review is provided.

The Proposed Amendment Furthers the Goals and Policies of the Comprehensive Plan.

STAFF ANALYSIS:
The review criteria for these amendments are as follows §4-4-F:

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:

Staff assumes the intent of this section was to say Comprehensive Plan ***or LDC*** amendment for each review criterion, as they are combined in the section heading.

a. The comprehensive plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact. Staff comment: The proposed amendments add a land division process that the Board wanted to explore. The county has previously had relatively simple procedures for a family land division as well as a One-Time-Only land division. These tools allowed for a simple review process for minor divisions that do not meet the threshold of a subdivision as defined in Idaho Code, to mean a division that results in more than four parcels or lots. Although the County developed a short plat process for similar purposes, it was disallowed in much of the county where any natural resource overlays are applied.

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. Staff comment: This criterion is not applicable to the proposal.

c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law. Staff comment: N/A

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. Staff comment: This criterion may be difficult to determine definitively. The proposal would clearly benefit longer term landowners but does create a potential inequity among landowners based on length of ownership. This is focused now on simplicity of process whereas earlier versions also were written to subjugate zoning densities based on length of ownership. This point was modified by the Commission to require compliance with zoning as written in the current version.

e. The proposed change is consistent with policies of the comprehensive plan, the requirements of the Planning Act, and state and federally mandated uses. Staff comment: The comprehensive plan provides broad policy language oriented to protect public health safety and welfare and accomplish good land use planning outcomes from a number of metrics. An important element of the plan is in laying a groundwork for subsequent zoning to be applied. Retention of that zoning as required in the current version of this proposed ordinance is upheld.

f. The comprehensive plan amendment substantially conforms to the stated purpose and the intent of the LDC. Staff comment: The LDC has limited language related to intent, including that found in 1-1 (B). It describes guiding residential and non-residential growth to protect, promote, and improve public health, safety, and overall welfare. Planning staff believes that this proposal could conform to the stated intent. One aspect that this may affect is the opportunity for participation in a review process by potentially affected adjacent landowners.

g. The comprehensive plan amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, storm water management, wildlife, scenic corridor views, and vegetation. Staff comment: The proposed LDC amendment includes more limited provisions to address these types of concerns than would be found in a full subdivision review. One aspect of an iterative multi-step review process is that issues related to these aspects may be identified and addressed, that may be overlooked in a simple and compressed review process. On the other hand part of the intent of a procedure like this is to eliminate cumbersome reviews for projects of a limited scope that are much less likely to have significant impacts. This is a key aspect and question of the proposed change – whether creation of a small number of new lots can be assumed to result in limited impacts and thus rely on a simple review.

h. The comprehensive plan amendment will not have a demonstrable adverse impact on existing conforming development patterns, standards, or zoning regulations. Staff comment: The PZC did discuss this extensively in the drafting process and indicated that there was a potential to impact existing development, particularly if underlying zoning was set aside.

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. Staff comment: The Planning Commission did request county staff to prepare maps to show the extent of the possible application of this exempt division. This was prepared in a series of three maps that illustrate the location and relative abundance of parcels large enough to accommodate this provision. These maps are included as attachments; **however, they are no longer relevant if the ordinance maintains the base zoning requirement.**

Noticing Requirements:

This application has been noticed per Idaho Code section 67-6509, and LDC 4-2D as applicable (no site-specific notices are required for a county-wide LDC proposal). The application was noted in the Teton Valley News on August 5 and August 12, 2026 and in the PZC hearing schedule items. Because this amendment affects the entire County, no site-specific postings are required. All materials were posted and available on Teton County's website under the Planning Department page. At the PZC meeting of August 25, 2026 a motion was made to continue the hearing to the September 8, 2026 regular meeting of the PZC.

Public Comment:
Staff have not received written public comment at the time of this report.

PZC Actions:

1. Recommend approval of the amendments as proposed.
2. Recommend approval of the amendments with conditions of approval or modifications to the proposal
3. Recommend denial of the amendments as proposed.
4. Continue the application

Motions:

Approval: Having found that the review criteria in LDC 4-4-F can be met, I move to recommend approval of the LDC amendment to add the Family Land Division as presented in the staff report and materials attached.

Approval: Having found that the review criteria in LDC 4-4-F can be met with conditions or modifications, I move to recommend approval of the LDC amendment to add the Family Land Division as presented in the staff report and materials attached, with the following modifications or conditions:

Denial: Having found that the review criteria in LDC 4-4-F cannot be met, I move to recommend denial of the LDC amendment to add Family Land Division as presented in the staff report and materials attached for the following reasons:

Continuation: I move to continue the public hearing for the LDC Amendments to [insert specific date and time] in order to obtain [insert the additional information request here]

Attachments:

A. LDC Amendment for Family Land Division Ordinance
B. Maps indicating location of parcels eligible under earlier ordinance version's zoning exceptions.