TETON COUNTY, IDAHO
ORDINANCE NO. _____

AN ORDINANCE OF TETON COUNTY IDAHO; AMENDING THE TETON COUNTY LAND DEVELOPMENT CODE TO EXEMPT SPECIFIED FAMILY LAND DIVISIONS FROM CERTAIN REQUIREMENTS GENERALLY APPLICABLE TO LAND DIVISIONS; AMENDING SECTION 4-10 OF THE TETON COUNTY LAND DEVELOPMENT CODE; PROVIDING METHODOLOGY; PRESERVING PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Teton County, in accordance with Idaho Code and the provisions of the Teton County Land Development Code (including LDC § 4-4), has initiated this legislation to amend the Teton County Land Development Code;

WHEREAS, historically, land divisions among families and for family purposes were exempted from many general requirements of other land divisions;

WHEREAS, Teton County desires to support families in continuing to reside in Teton County across generations;

WHEREAS, Teton County finds that exempting certain land divisions between family members from many of the requirements of other land divisions driven by other non-family or pecuniary motives will support multiple generations of families to continue residing in Teton County;

WHEREAS, Teton County also finds that the exemption from land division requirements for family land divisions as provided in this ordinance is established for the primary purpose of continuity of generational farming or ranching land uses and the open space preservation and community character benefits associated with these uses;

WHEREAS, Teton County also finds that enacting this exemption will also reduce the financial and procedural burden on families and agricultural operations associated with subdivision, which can affect the ultimate cost of housing, allowing for continuity of existing residents in Teton County, and continuity of existing local businesses; and

WHEREAS, after considering the recommendation of Teton County Planning and Zoning Commission and after a public hearing by the Teton County Board of County Commissioners, the County has taken into account all of the public input in regard to this proposed use.

NOW, THEREFORE, BE IT ORDAINED BY THE TETON COUNTY, IDAHO, BOARD OF COUNTY COMMISSIONERS:

Section 1: Amendment of Section 4-10 of the Teton County Land Development Code. Section 4-10 of the Teton County Land Development Code is hereby amended as follows:

4-10 Land Division Review

A. Applicability

1. Land division review, as provided in sections 4-10 through 4-13, 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 lines 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.

    c. Any "Family Land Division" as defined in this Section 4-10 and subject to the restrictions hereof.
3. Except as otherwise specified in this Section 4-10, 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 4-13:

1. Submittals;
2. Notice and Requirements;
3. Review Procedures;
4. Review Criteria;
5. Final Decision; and
6. Expiration.

D. Exempt Family Land Divisions

1. Family Land Division Defined: A division of unplatted land which is made for the purpose of a single inter vivos gift or sale to the landowner's parent, child, sibling, grandparent, or grandchild in accordance with the provisions of the subsection. Familial status may be established by blood, marriage, or adoption.
2. Division Standards.

   Each Family Land Division shall comply with all of the following standards:

   a. The parcel to be divided has not previously been divided for purposes of a gift or sale as a Family Land Division by any prior owner.

   b. The parcel to be divided is not subject to any deed restriction, covenant, condition, or other restriction; unless all of the other persons/landowners holding an interest in such deed restriction, covenant, condition, or other restriction consent to the proposed division.

   c. The parcel to be divided is not located in any City Area of Impact, unless and until such time that these provisions for a Family Land Division are incorporated into ordinances governing such area(s).

   d. More than one parcel may be created by a Family Land Division, provided however, that no Family Land Division can create more than four (4) parcels.

   e. Ownership of the parcel to be divided (and/or of the business entity that owns the parcel to be divided) cannot have changed within the previous ten (10) years. The following shall not be considered to be a change of ownership:

      i. The death of a spouse, so long as the surviving spouse continues to own the property.

ii. A divorce between owners who were married prior to the divorce, so long as at least one of the former spouses continues to own the property.

iii. A transfer of the property into trust where the owners prior to the transfer are the beneficial owners after the transfer, or a transfer of the property out of trust where the beneficial owners prior to the transfer are the owners after the transfer.

f. The recipient of a parcel from a Family Land Division shall be one individual, one married couple (at least one of whom is a parent, child, grandparent, or grandchild of the dividing landowner), or one trust (provided that the primary beneficiary thereof is one individual or a married couple).

i. Each recipient of a parcel (or beneficiary of a trust recipient) shall be at least eighteen (18) years of age at the time of parcel creation and conveyance.

ii. Each recipient (or beneficiary of a trust recipient) shall not receive more than one (1) parcel created by a Family Land Division.

iii. If the landowner dividing a parcel is a qualifying business entity, then each recipient (or beneficiary of a trust recipient) must be a parent, child, grandparent, or grandchild of an owner of at least 5% of the business entity.

iv. A business entity shall not be a recipient of any parcel created by a Family Land Division.

3. Parcel Standards.

The parcels created by a Family Land Division shall each:

a. Meet the underlying zoning for average density, with a minimum one (1) acre with the maximum number of parcels based on zoning of property, but not to exceed a total of four (4) parcels.

b. Have legal access to a public road or private easement that connects to public road.

c. Be designed to safely accommodate development, including providing needed land area for water supply and wastewater systems as determined by Eastern Idaho Public Health Department.

d. Include building areas and access routes free from constraining factors such as wetlands, floodplains, or steep slopes (exceeding 30 percent, that could require a subsequent variance to allow for a building permit).

e. Be clustered with other parcels created by the Family Land Division to minimize impact on agricultural uses and natural resources.

f. Be otherwise in conformance with all applicable criteria and standards of the LDC or other County regulations.

4. Review Process

a. An exempt Family Land Division requires a pre-application conference with the Administrator to review the requirements of the process before submitting an

application. Information addressing requirements for a Family Land Division should be provided sufficiently to demonstrate eligibility for using this procedure.

b. Following a pre-application conference, an application, including a descriptive narrative, for a Family Land Division for each parcel to be created shall be submitted to the Planning Department for review and approval before the division is recorded. The application for a Family Land Division shall include the following:

   i. A site plan and accompanying narrative explaining how the proposal is designed to minimize impacts on agricultural use, natural resources, or avoid sensitive areas.

   ii. Proof of approval of an approach permit from the highway district with jurisdiction for the existing or new point of access to the adjacent public road. Where the subject property will access onto a private road or common driveway, proof of easements to demonstrate legal access shall be provided or established.

   iii. An acknowledgment from Eastern Idaho Public Health indicating that a location (on the subject property, or on a nearby property by easement) has been identified and approved that can meet the wastewater disposal requirements for each parcel to be created in the Family Land Division.

   iv. An unrecorded conveyance deed or similar instrument that will be used to execute the proposed division shall be attached to the application for Family Land Division and record of survey. The conveyance deed shall contain the legal descriptions of each parcel to be created.

   v. A title report prepared within six (6) months of submittal of the Application for Family Land Division that contains the legal description, ownership, and any exceptions to title, such as easements or covenants, conditions and restrictions (CC&Rs).

c. The Administrator or designee shall review the application and supporting documents for compliance with the provisions of this subsection. The Administrator or designee shall review the Exempt Family Land Division and make a determination whether the request complies with the provisions of this subsection shall communicate the findings and decision by issuing a written decision. The application for Family Land Division, with the exception of the title report and any originally submitted unrecorded conveyance deed or similar instrument, shall be attached to all deeds to be recorded. Any decision is subject to provisions for appeals and reconsiderations established in the LDC.

d. Following the approval of an Exempt Family Land Division, the administrator shall notify properties within three hundred feet (300') of the property being divided, of the approved land division.

Section 2: Methodology. Text that is underlined in the preceding sections means new text added to the former Ordinance or County Code Section, and text that is stricken through means text that is being deleted from the former Ordinance or Code Section. Text that is moved from

one location in the former Ordinance or Code Section to another location is similarly shown as underlined text, being stricken through in its prior position.

Section 3: Preservation of Prior Ordinance. The sections of the Teton County Code repealed and/or amended by this Ordinance shall be preserved to the extent necessary to allow the arrest, prosecution, punishment, and indebtedness of any person who violates such provisions prior to the effective date hereof.

Section 4: Severability. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 5: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Teton County Board of County Commissioners on this _____ day of _____, 2026.

_____
Board of County Commissioners, Chair

Attest by:

_____ _____
CLERK Signature Date