

OVERVIEW OF TETON COUNTY DEVELOPMENT PERMIT REGULATIONS

Teton County is an exceptional place, where the past and the present co-exist. The County is home to stunning mountains, forests and plains, as well as wildlife habitat. Ranching operations and an agricultural heritage accompany dinosaur fossils, small towns, and even telecommunications businesses.

Although Teton County gets its share of tourists, and has seen both commuters and internet based businesses grow, it is still largely undiscovered. Other counties in Montana have grown at double-digit rates, but Teton's population has remained basically unchanged for 20 years and still has about 2.8 persons per square mile. Clearly, Teton is not under lots of growth pressure yet, but the opportunity exists right now for us to attract the growth we want, and regulate the growth that we don't want.

This pamphlet provides an overview of the Development Permit Regulations, proposed by the Teton County government. It should provide you with a summary of the important information in those regulations.

In 1999, Montana passed legislation concerning County Growth Policies. In Teton, the Planning Process began in 2001 with the formation of a Steering Committee, which decided to rewrite the 1981 Growth Policy. With the help of citizens all over the County who completed surveys and participated in public meetings, the Teton County Growth Policy Plan was completed in 2003. The Growth Policy Plan lists the following tools that can be used to carry out the goals of the plan:

- land development regulations,
- capital improvement plan,
- administrative procedures,
- planning studies and data gathering,
- state and federal programs/technical assistance,
- education programs and public outreach,
- conservation easements,
- fiscal impact analysis and design guidelines.

The implementation of the Growth Policy gives communities and the general public the opportunity to guide and foster positive growth in the County. We have the chance to ask ourselves; how can we keep our schools viable? How can we attract small businesses to town? What kind of housing incentives do we need? Are there types of development that need standards to avoid conflict with neighbors?

SO, WHAT DOES IT DO?

The Development Permit Regulations require that anyone who wants to build a new commercial or industrial site in Teton County go through a permitting process. The purpose is to ensure that there are minimal conflicts with surrounding landowners and uses. They would have to apply for a development permit and show that their development will meet the standards that the County has put in place. These standards ensure that these uses have adequate screening, that they are located certain distances away from residential areas, and that their parking, signage and access is appropriate. Within the new regulations, there are three important official bodies that will administer and enforce the regulations.

These are as follows:

TITLE	DUTIES
Permit Officer (new in these regulations)	Receives and reviews applications; Coordinates site inspections; Enforces compliance in writing; Serves as advisor to Planning Board, Board of Adjustment and County Commissioners.
Planning Board (existing)	Recommends appropriate land use regulations and boundaries; Reviews proposals and makes recommendations to County Commissioners;
Board of Adjustment (new to these regulations)	To decide appeals; To review and authorize variances; To provide recommendations to County Commissioners;

your operation will be informed of your operation. You can find this in Article 8 of the Development Permit Regulations.

The Development Permit Regulations are available in the Court Recorder’s Office at the Court House. If you have questions, concerns, or comment about the regulations, please contact the Commissioners.

Hard Rock Quarries: the purpose of having standards for hard rock quarries is to avoid conflicts over noise, dust and traffic, to protect environmental resources such as water and air quality, to adequately handle and store waste and to make sure there are public facilities to service the use.

Wind Farms: the purpose of standards for wind farms is to ensure that noise, shadows, and public safety are maintained at specific levels. It is also to ensure that these wind farms are sited so as not to interfere with aviation uses, wildlife habitat, migration corridors, or areas of high scenic value.

WHAT DOES THIS MEAN TO ME?

If you are planning on building a commercial or industrial building or site within Teton County, the Development Permit regulations apply to you. The regulations contain the process you would have to follow to get a permit to build your new site. At the end of the regulations you can find the Development Permit Application, the Application for Sign Permit, Variance Justification, and Grant of Variation, as well as the schedules for public hearings, etc.

If you are a landowner situated near to a proposed commercial site, these performance standards protect your right to have clean air and water, your land value, and your health and safety. They are provided to ensure that existing land uses will not be infringed upon when new development comes to the County.

If you own an existing farm or agricultural operation you maintain your right to farm. Any new subdivisions, residents or development occurring within ¼ mile of

The newly established Board of Adjustments would consist of five members, each to be appointed for a term of two years. Before constructing, erecting, expanding or otherwise altering a building or structure, a person must submit the following to the Permit Officer:

1. A completed development permit application form.
2. A Site Plan, drawn to scale and showing existing and proposed buildings, infrastructure, water features, easements, adjacent land use and other relevant information.
3. An Application Fee.

Other information as required by Permit Officer or regulations.

HOW DOES THIS WORK?

The **Development Permit Regulations** ensure that there are minimal conflicts with surrounding neighbors and land uses. These regulations are one of the first attempts at implementation. (The Revised Subdivision Regulations have already been adopted). Instead of zoning, the County Commissioners and the Steering Committee decided that specific types of development should fit some standards and have an open review process that Teton County citizens could participate in, before they are allowed to build in Teton.

These Development Permit Regulations create **performance standards** for Commercial and Industrial Uses in the county. These performance standards relate to impacts which a certain use (like a casino or landfill) may not exceed. They give the county an opportunity to review any new industrial or commercial use. They set rules about what a new development can or cannot do.

Commercial Uses are defined as “retail business and service establishments, professional offices and developed recreational uses.” This can be found in Article 2 of the Development Permit Regulations, along with the following definitions:

Industrial Uses include “storage, processing and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy, fabrication, assembly, servicing manufacture, or storage of other products.”

There are many reasons these development permit regulations are necessary. For example, they ensure that public health and safety is

maintained, that the value of private property is preserved, that the rivers and streams in county are protected, and that agricultural land and operations are preserved. The most important part of these development permits is that adjacent landowners and citizens can be involved in the public review process. These regulations describe how to get a permit for development and for conditional uses.

AGRICULTURAL USES

These standards only apply to commercial and industrial uses. The county has a high number of agricultural operations in existence, and wants to protect the ranching and farming background of the area. For this reason, any agricultural activity that conforms to existing regulations, is consistent with good agricultural practices and hasn't significantly changed or existed prior to surrounding non-agricultural uses waived from these regulations. Any new subdivision or development within ¼ of a mile of an agricultural activity will be informed of this right-to-farm provision.

WHAT DO I HAVE TO DO?

If you need to apply for a development permit, you would first gather the materials above and submit them to the Permit Officer. These materials constitute the application.

Additional performance standards exist specifically for casinos, landfills, waste treatment stations, and salvage yards. These are found in Article 6, pages 2 and 3 of the Development Permit Regulations. To accommodate for traffic caused by these uses, there are also parking design standards, which describe the loading, parking area, and parking space requirements. To mitigate any adverse impacts to due to signs, there are standards for on and off-premise signs, as well as screening and buffering. These can be found in Article 5, pages 1-6.

WHAT ARE CONDITIONAL USE PERMITS?

Some uses have a greater potential to create significant land use conflicts, and to negatively affect property values of adjacent landowners. These uses are considered separately, so that the public has an opportunity to comment, and the planning staff has opportunity to make a comprehensive review of these developments. The Conditional Uses identified in these regulations are Adult Entertainment facilities, Hard Rock Quarries, Concentrated Animal Feedlots, and Wind Farms.

STANDARDS FOR CONDITIONAL USES

Because the County has lots of ranching operations, and may be particularly concerned about how this permitting process affects conditional uses, the following standards for conditional uses are described in the Development Permit Regulations. These standards are summarized from Article 7, pages 1-5 of the regulations.

Adult Entertainment Uses: the purpose of having standards for these uses is to lessen negative impacts such as a decrease in property values, to keep adult uses separate from those that involve children and minors, and to prevent a concentration that might create traffic or unlawful activities.

Concentrated Animal Feedlots: the purpose of having standards for animal feedlots is to avoid conflict over odor, noise, dust and traffic, as well as to protect natural resources, like water and air quality. It is also important to appropriately handle the disposal and treatment of waste. ** These regulations are meant to apply only to very large operations. The definitions and standards of this are still being revised.**