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TETON VALLEY NEWS

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THURSDAY, JULY 14, 2016

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Third time's the charm? School board prepares bond election

Jackson Adams
TVN Staff

The Teton County School Board has had difficulty finding an outreach company to help guide an upcoming bond election to success.

There have been two bonds on the ballot in recent times, but both were rejected when they failed to reach the required 66.7 percent of the vote.

School Board continued on A17

County gives green light to building, but not by ordinance

Jackson Adams
TVN Staff

On Monday, the Teton Board of County Commissioners took steps to affirm the building rights of land parcels created in the past.

Instead of the ordinance that was presented to the board at the hearing, the commissioners decided to create an internal policy for the planning department that achieves the same result.

The ordinance was drafted by the Teton County Planning Department at the request of the commission earlier this year to respond to issues with parcels created and sold without necessarily following the rules that would allow owners to build on them.

The county identified a number of such parcels, many of which had been signed off by a county planning administrator.

The county has been trying to clear up the matter.

Building ordinance continued on A17

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Building ordinance continued from A1

"We said, figure out a way to fix this problem and if we need an ordinance then let's look at an ordinance," said County Commissioner Cindy Riegel.

But an ordinance was not the only way forward.

"Only 35 parcels were identified as having no building rights," said County Commissioner Bill Leake. "If out of 400 [parcels reviewed] we have 35, do we need an ordinance to figure out how to address those 35? Could we not go on a case by case basis and achieve the same objective?"

"I don't think [drafting an ordinance] was a bad exercise," said County Prosecutor Kathy Spitzer. "I think it got us to this point of really looking at this problem and seeing what is the most black and white solution for the public and the county to understand going forward."

The Teton County Interim-planning Administrator Kristin Rader spelled out the bottom line for people waiting to see if they can start building on their property.

"People that followed a process, paid a fee, came through the county and got the approval of someone," she said. "If you have that signature and went through this process, we're saying it's valid now."

This represents a change of stance in the county position, according to Rader.

"What we've been doing is saying that if they didn't meet the code at the time they were approved, then they are not valid," she said.

The reason for this, according to Spitzer, was to honor the existing building, codes, ordinances and zoning rules, which are all there for a reason.

"Zoning in Idaho has to be passed and it has to comply with ILLUPA [Idaho Local Land Use Planning Act], a comprehensive plan, and we all take part in it," she said. "Property doesn't automatically come with a building right... If you deed off some land, it doesn't necessarily create another building right."

In Idaho, purchasers of land need to do their homework before buying, or be prepared to handle the consequences.

"When you purchase a property, you need to do your due diligence," Spitzer said. "A lot of people just leave it to a Realtor... sometimes they don't even read the title report."

Nevertheless, the county is deciding to let people build on property that the

county signed off on, even if the county made a mistake in doing so.

"We are honoring what was done in the past," said Spitzer. "Some people did do their homework and the [county] said yes, and they relied on that yes. We as a county, we are going to stand behind that yes... Whatever lot splits went through a county process and received an approval, those would receive building rights regardless of whether they followed the underlying zoning."

What's more, people who did not follow a process that ended up in a county planning signature of approval have a recourse to get building rights.

"People who split off land and recorded deeds or surveys or both and didn't follow any process... are a different situation," said Rader. "They legally created a lot, but they don't have building rights because they didn't follow any process... those people have to go through the process to get a building right."

The process, according to Rader, depends on the time the lot was created.

"If you have an [agricultural] split that was deeded and recorded up to September 22, 2003, then those can have a building permit," she said.

People can do a property inquiry to find out what they have to do, she added.

"I think the county has realized they have some liabilities if they took such a firm stance... they had some legal risk," said Blair Perry, who bought land outside of Teton and hadn't been able to get a building permit. "They would have made those lots next to worthless."

Others think the policy still hasn't gone far enough.

"There's still an opportunity for the commissioners to grandfather in all existing parcels," said Billie Siddoway, a Victor resident and local lawyer, who is running for county prosecutor.

Siddoway also identified several issues she felt still needed to be addressed, including cases of lot owners wanting to get a permit for remodeling their and home and failing to be able to do so.

"We don't get the predictability that we need if we deal with these [parcels] on a case by case basis," she said. "We have people with lots on the market and don't know how to represent them... We need to get a fix that solves all of the problems, not just one selective problem."

07.16.16 | Driggs C
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SCHEDULE OF e

7:30 - 8:45am

Race Registration at Driggs

8:30am-Noon

Family Fun & Entertainment
with FREE Breakfast C
McDonald's® of Jack

9am

5K/10K Competitiv

TEW 9:03am

5K Fun Run/Wa

10am

Rotary Club of Teton Valley

10:30am

Race Awards Cere

11am

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