



REQUEST FOR ZONING MAP AMENDMENT

FOR: Settlers Place Subdivision

LA 35 to IR Proposal

Board of County Commissioners

PREPARED FOR:

Public Hearing of April 14, 2025

LANDOWNERS: Settlers Place LLC, Stephen O'Brien, Total BS Ranch LLC, & Denning Well Drilling

APPLICANT: Charlie Gaudet

ENGINEER: Civilize Engineering

REQUEST: Charlie Gaudet, in cooperation with all Settlers Place landowners, has applied for a zone change on 34.06 acres of property located off S 500 W, to change the zoning from LA-35 (Lowland Agriculture 35-acre average density) to IR (Industrial Research). The Settlers Place subdivision received final plat approvals in 2022, creating 9 parcels on the 34.06 acres. The certificate of completion was done March 3, 2024, which allowed for the final plat to be recorded. The 9 parcels are located south of Driggs and adjacent to the northern border of the Rocky Road Industrial Park which is designated with IR zoning.

The Planning and Zoning Commission heard this item at the December 10, 2024 meeting and motioned to continue the item to obtain additional information from the applicant. On February 11, 2025, the PZC made a motion to recommend the rezone for approval to the Board with six conditions of approval.

APPLICABLE COUNTY CODE: Teton County Land Development Code Chapter 4 Section 4-5, which specifies that zoning requests shall be in accordance with the 2012-2030 Comprehensive Plan.

SUBDIVISION: Settlers Place

LOCATION: S 500 W, South of Driggs and adjacent to northern border of the Rocky Road Industrial Park.

ZONING DISTRICT: LA-35

PROPERTY SIZE: 34.06 acres

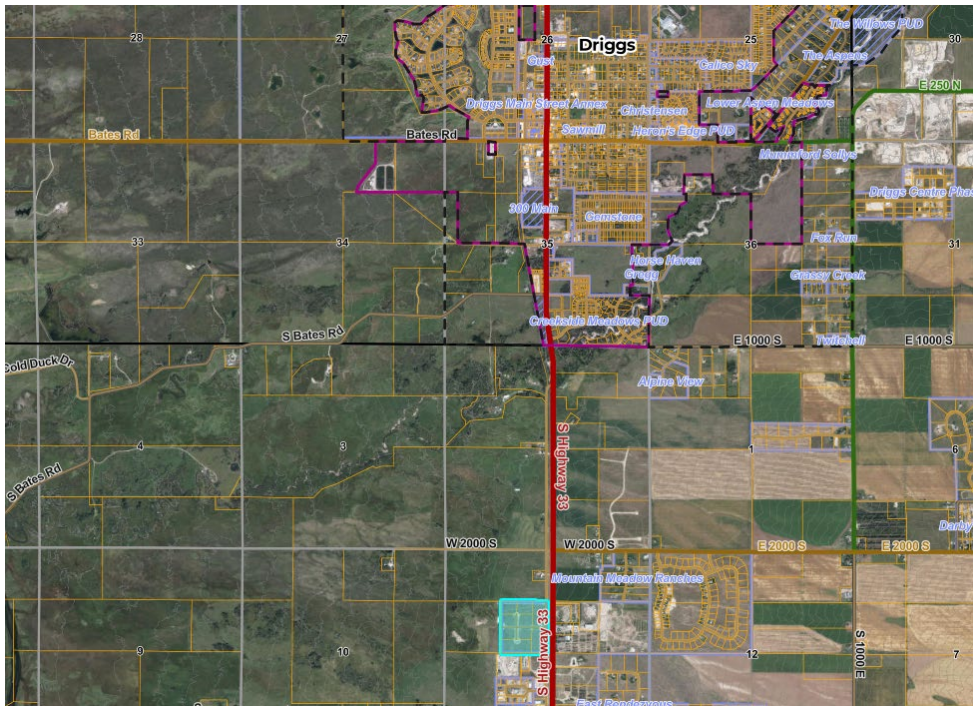


Figure 1. Vicinity Map; Subject Parcel Red/Orange – S of Driggs

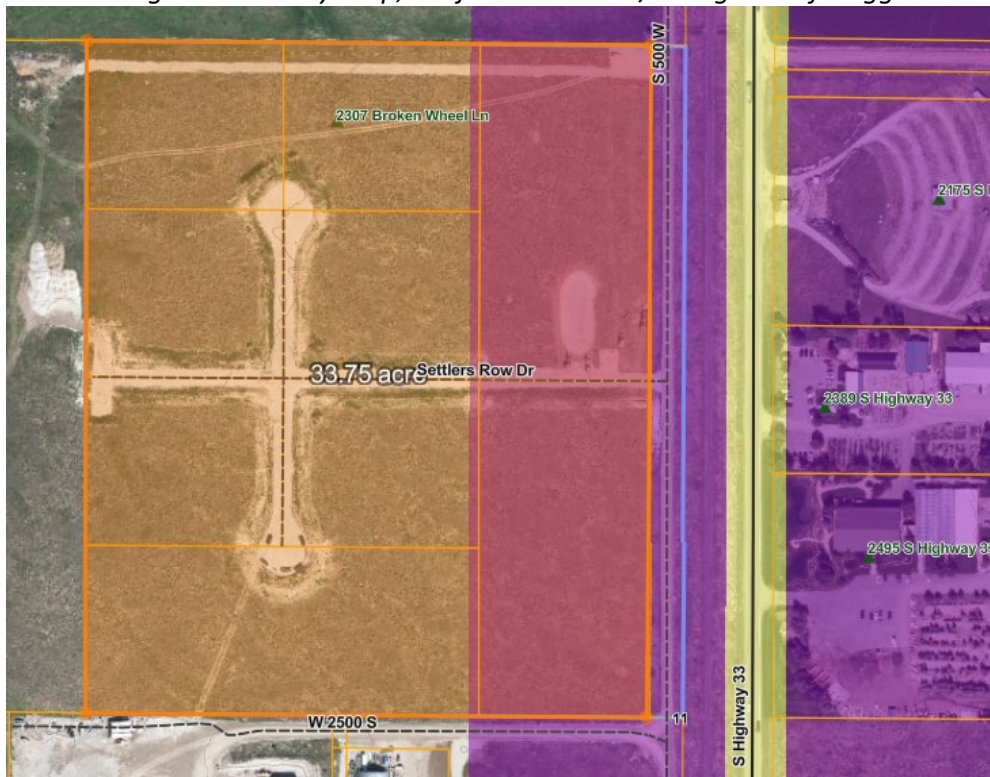


Figure 2. Scenic Corridor Overlay

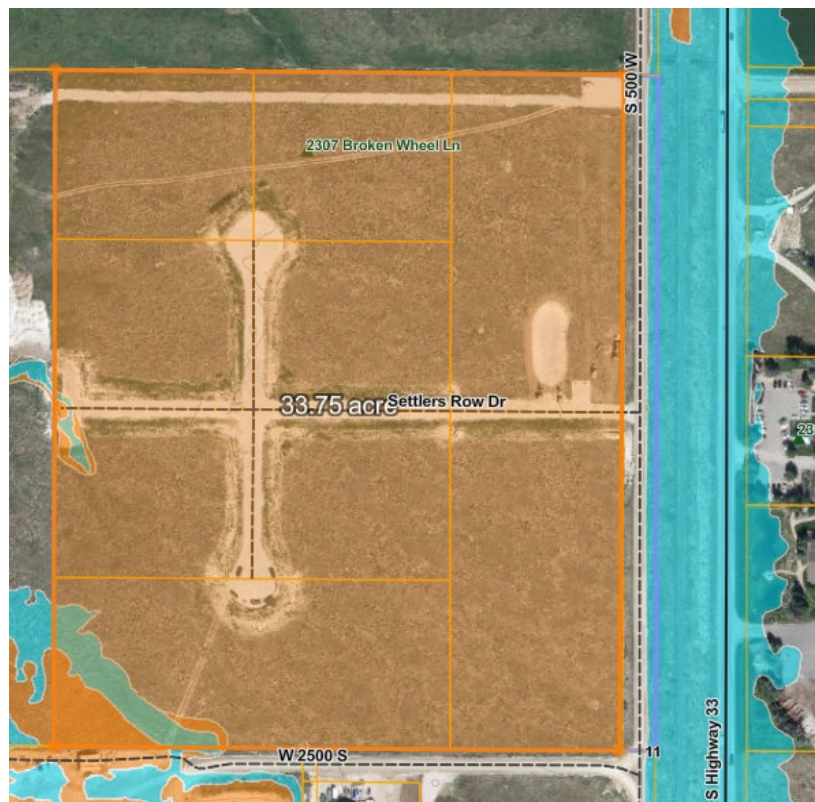


Figure 3. Preliminary Floodplain Data

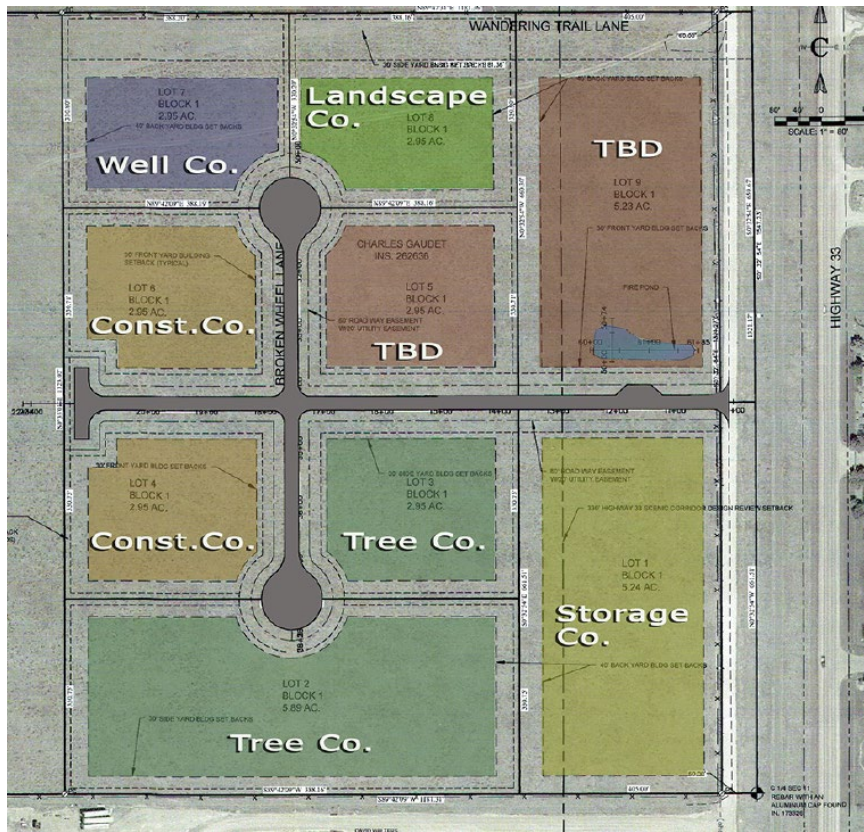


Figure 4. Proposed Industrial Uses Site Plan

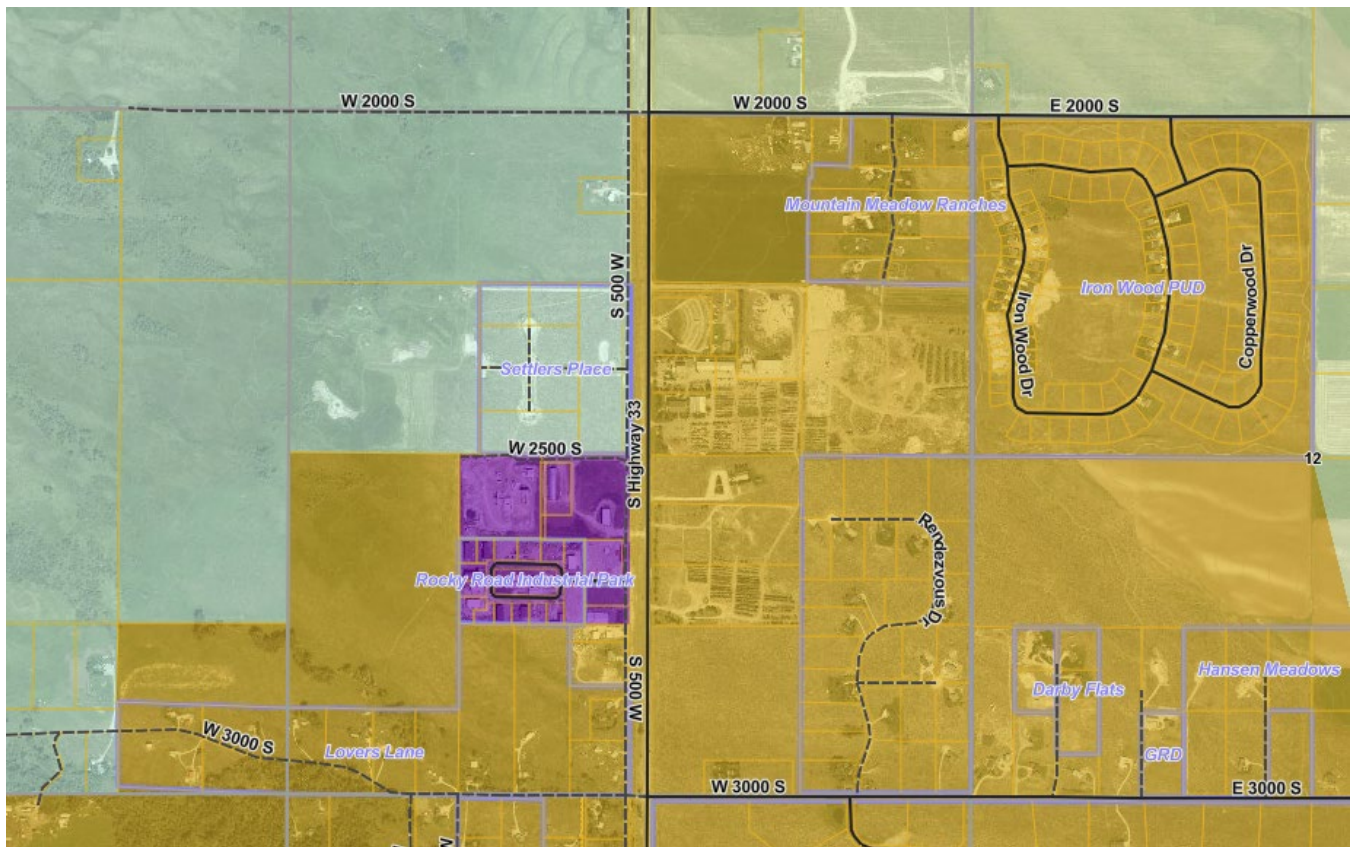


Figure 5. Surrounding Zoning (Orange – RN-5; Purple – IR; Light Blue – LA-35)

PROJECT DESCRIPTION/BACKGROUND:

The property is not located in any natural resources or wildlife overlay areas however the two eastern parcels lie within the Scenic Corridor and there is some preliminary floodplain presented on the property.

A pre-application conference was held on March 6, 2024. An application was submitted October 7, 2024. During the pre-application conference meeting, staff reviewed potential impacts and studies that may be requested for a zone change on the subdivision including a nutrient pathogen evaluation and traffic impact study. The preliminary plat of the subdivision had the following notes and motion:

4. AGENDA ACTION ITEM: Public Hearing - 11:00 AM - Settler's Place Preliminary Hearing

Mr. Chase presented the staff report for the Settler's Place preliminary plat hearing. The Planning and Zoning commission discussed the scenic corridor in regards to this application, but had no conditions of approval. The Board had no questions.

Husk Crowther, representing the applicant, was present to answer questions. The cul-de-sac on the west side of the property was changed to a hammerhead that falls within the property line. The Board had no questions.

Public comment was opened at 11:03 am.
No one present wished to speak.
Public comment was closed at 11:03 am.

Board deliberation. The Board was concerned about the high ground water, and would like to have a NP study and include language regarding maintenance of septic systems on the final plat. The Board also discussed the screening along lots 1 and 2. The proposal does not align with the Comprehensive Plan due to the lack of open space and clustering. Also, due to the proximity to the highway, a traffic study, though not required, may be necessary. The Board wanted some assurance that there would be no further splitting of lots, that would further impact study. The Board lamented the fact that the subdivision isn't clustered with open space, due to the proximity to wetlands.

The Board asked the applicant, Charlie Gaudet, if he would prefer doing a traffic study or a restriction on further lot splits. Mr. Gaudet stated that he designed the subdivision based upon the current rules, which indicates no traffic study for subdivisions under ten lots. Mr. Crowther stated that the applicant dug four

pits to ten feet and found no groundwater. The pits were dug in October. Regarding traffic studies, Mr. Crowther has done several along highway 33 and predicts a study would come back with a conclusion that a 9 to 24 lot subdivision has minimal impact. Mr. Gaudet would like the landscaping be up to the individual owners.

MOTION: APPROVAL

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to APPROVE the Preliminary Plat for Settler's Place subdivision as described in the application materials submitted September 27th, 2021, and additional information attached to the staff report, with the following conditions of approval:

- 1. Prior to final plat, a plat note shall be added that no further division of the nine lots in the subdivision shall be allowed.*
- 2. All septic systems be comply with State of Idaho Sub Surface Water Rules and Requirements and the then current Individual Subsurface Sewage Disposal Rules, IDAPA 58.01.03 and the Technical Guidance Manual.*
- 3. The CC&Rs will require adequate septic tank maintenance in accord with current DEQ recommendations.*

RESULT:	APPROVED [Unanimous]
MOVER:	Bob Heneage SECONDER: Cindy Riegel
AYES:	Cindy Riegel, Bob Heneage, Michael Whitfield

The final plat approval listed the following conditions:

Commissioner deliberation. The Board discussed if all three conditions had been meant since the Preliminary approval. The CC&R's have been updated and take care of the septic condition. The plat does not have a note preventing further lot splits. Herb Heimerl, attorney for the applicant, stated that the applicant did not believe the County could restrict further development.

MOTION: *Having concluded that the Criteria for Approval of a Final Plat found in Title 9-3-2-D can be satisfied, I move to APPROVE the Final Plat for Settler's Place subdivision as described in the application materials submitted March 1, 2022, and additional information attached to the staff report, with the following conditions of approval:*

- 1) all septic systems be compliant with State of Idaho Sub Surface Water Rules and Requirements and then current Individual Subsurface Sewage Disposal Rules, IDAPA 58.01.03 and the Technical Guidance Manual,*
- 2) CC&R's will require adequate septic tank maintenance in accord with current DEQ recommendations,*

December 10, 2024 PZC Hearing:

MOVER: Tom Braun

SECONDER: Rebeca A Baker

I move to continue the public hearing for the Settlers Place Subdivision Zoning Map Amendment until February 11, 2024 in order to obtain the following additional information from the applicant : 1) Return with a completed NP investigation; 2) A complete traffic impact study be performed based on 9 lots and all uses allowed within the Light Industrial and IR zones; 3) The applicant come back with agreement to restrict further subdivision of lots; and 4) Provide a design for significant improvements for scenic corridor overlay requirements rather than having individual lot owners apply.

AYES (5) James Weber, Tyler Wertenbruch, Carl Kohut, Rebeca A Baker, and
Tom Braun

NAYS:
(2) Wyatt Penfold, and Wade Kaufman

Adopted (5 to 2)

Staff comment: Applicant has submitted a response. Response includes an NP investigation, traffic statement, and rebuttal for why a subdivision wide scenic corridor review is not desirable. Applicant also submitted revised CCRs.

February 11, 2025 PZC Hearing:

The applicants prepared a Traffic Impact Study as well as a Nutrient Pathogen analysis and submitted them to the County. The discussion included the suitability of the site for the uses envisioned and whether the language of the Comprehensive Plan supports the change in zoning. Some discussion focused on the specific uses allowed in the IR zone in comparison to the uses allowed in the existing Lowland Agriculture Zone. The Commission discussed a number of other considerations including utilizing the existing setbacks, and moved to a motion for approval with two Planning Commissioners opposed. Six conditions of approval were included.

PZC Motion

Having concluded that the criteria for approval of a Zoning Map Amendment found in the Teton County Comprehensive Plan and the Teton Land Development Code Section 4-5 can be satisfied, I move to approve the Zoning Map Amendment for Settlers Place Subdivision as described in the application materials submitted October 8, 2024 and additional information attached to the staff report including the six staff recommended conditions of approval.

Mr. Wertenbruch wanted to know if they could amend the motion to require the County setbacks of 30' front and sides and 40' rear setbacks stated on the plat will remain. Ms. Krueger recommended they include an addendum to staff recommended Condition #2 so the development agreement be required to regulate uses and impacts, this be required to be recorded prior to the ordinance approval of the zone change with Item A. Residential setbacks indicated on the plat of 30" front and back and 40' rear shall remain.

PZC Conditions of Approval

1. Applicant provide a full landscaping plan for additional screening of all lots in the Scenic Corridor and buffer residential properties to the north and west. **Applicant provided a rebuttal for why a subdivision wide scenic corridor review is not desirable.**
2. A development agreement be required to regulate allowed industrial uses and other impacts from the proposal. This be required to be recorded before ordinance approval of the zone change (with County setbacks of 30' front and sides and 40' rear).
3. A site-wide stormwater management plan for changing use be provided.
4. No further subdivision restriction provided in CCRs also be provided in the plat and a development agreement executed between the applicant and Teton County for the zone change.
5. Formal review of the Traffic Impact Assessment be completed by Public Works and ITD before improvement discussions. **Public Works and ITD have reviewed and commented on the Traffic Impact Study.**
6. Formal review of the NP Investigation occur by Teton County's technical consultant. **Teton County's technical consultant has reviewed and provided commented on the NP Study. This has also been forwarded to DEQ.**

SPECIFIC REQUIREMENTS FOR PUBLIC NOTICE:

Notification requirements are identified by reference to Idaho Code, Title 67; Section, 67-6509 and 67-6511, and the Teton County Land Development Code Section 4-5-D. The public hearing was duly noticed in the Teton Valley News on March 26, 2025 and April 2, 2025. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and to other political subdivisions providing services in the County on March 21, 2025. A notice was also posted on site on April 8th, 2025.

PUBLIC COMMENT

Two public comments have been received as of December 3, 2024 and are attached to the staff report.

Zoning Analysis:

Zone district	LA-35 Acre Average Density	IR (Industrial Research) – <i>no average density for subdivision</i>
Minimum lot size	1 acre	1 acre
Setbacks	30' (Side and front); 40' rear	10' (side and front
Minimum Lot width	100'	70 feet

OVERVIEW OF REZONE APPROVAL:

4-5-F: Site-Specific Zoning Map Amendment (Review Criteria)

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:

1. The zoning map amendment is not in conflict with the Comprehensive Plan.

a. Applicant:

The Zoning Map amendment is not in conflict with the comprehensive plan.

The zoning map amendment aligns with the comprehensive plan in multiple ways.

Support for Economic Development:

The Teton County Comprehensive Plan places a strong emphasis on fostering a vibrant, diverse, and stable economy. This focus is evident in several sections of the Plan, particularly in its vision statements and guiding principles related to economic development.

Comprehensive Plan Vision for Economic Development:

"Establish a vibrant, diverse, and stable economy." (Chapter 4, Page 4-3)

This vision underscores the importance of creating economic opportunities that are sustainable and diverse. By rezoning the property from LA-35 to Commercial IR, the county can attract businesses that contribute to this economic diversity and stability.

Guiding Principles for Economic Development:

*"Encourage, promote, and support locally owned valley businesses."
"Create a hospitable and attractive environment for businesses and visitors."
"Attract businesses that are economically and environmentally friendly."
"Pursue economic diversity, innovation, and creativity." (Chapter 4, Page 4-5)*

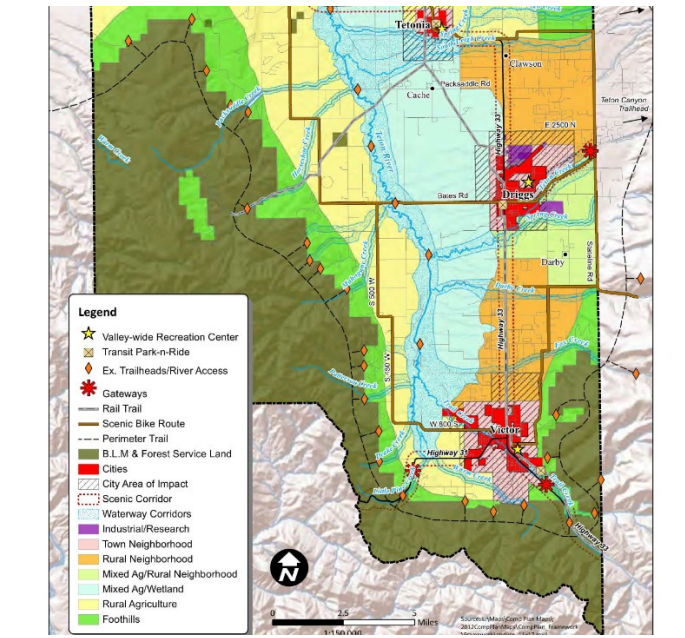
The amendment supports these principles by facilitating the establishment of industrial and research facilities, which are crucial for economic growth and diversification. The IR zoning allows for the development of business types that are consistent with the community's desire for sustainable and innovative economic opportunities.

Benefits of Economic Development:

*"Provide long-term economic stability (minimizes boom/bust cycles)."
"Provide gainful employment."
"Develop community identity."
"Keep money in the valley."
"Preserve valley aesthetics." (Chapter 4, Page 4-5)*

Rezoning to Commercial IR is aligned with the goal of providing long-term economic stability by attracting businesses that can offer steady employment and contribute to the local economy. The focus on businesses that are both economically viable and environmentally friendly supports the community's broader goals of sustainability.

- b. Staff Comment:** The Future Land Use Map indicated this area would be suited for Rural neighborhood zoning to support low to medium density and some commercial and light industrial development. **Given lack of understanding on range of uses in a previously platted residential subdivision, this may conflict with the intent.**



Rural Neighborhood: Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. The unincorporated town of Felt is also considered a Rural Neighborhood area. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Desired future character and land uses for the Rural Neighborhoods include:

- A transitional character in between that of Town Neighborhoods and Rural Areas
- Medium density single family neighborhoods with large open spaces and provisions for clustering
- Amenity-based neighborhoods
- Safe and convenient street and pathway connections within these areas and, when practical, to Towns
- Well-defined open space areas that connect to provide corridors
- A clear distinction between residential development and open space/agricultural areas

Industrial/Research: These areas are separate from the Town Neighborhoods and have low visibility from the scenic corridor and tourist centers. Most of these areas are currently undeveloped and utility services are available. Desired future character and land uses for Industrial/Research areas include:

- Light industrial
- Heavy industrial at the appropriate scale and in appropriate locations
- Cottage industries
- Safe and convenient street and pathway connections to towns
- Well maintained roadway connections to highways

From an economic activity perspective, the comprehensive plan did acknowledge this area as one where light manufacturing did occur, *presumably through the use of Special Use Permits within their existing zoning*. Rocky Mountain Industrial Park was given an IR zone district with the zoning ordinance amendment in 2022.

The proposed IR Zoning in this area appears to have safe and convenient streets. However, utility services (public wastewater and sewer) are not available.

2. The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.

a. Applicant:

The proposed zoning map amendment for Settler's Place from LA-35 (Lowland Agriculture) to Commercial IR (Industrial/Research) is carefully aligned with the review criteria outlined in the Teton County Land Development Code (LDC) Section 4-5-F and meets all other applicable legal requirements. Settler's Place is strategically located between Victor and Driggs, off of Highway 33, in an area that is already seeing a transition towards more intensive land use. The property is adjacent to an IR-zoned parcel to the south, and across the road, a landscaping business operates on land zoned RN-5, further supporting the compatibility of the proposed IR zoning. To the west are protected wetlands, which will remain undisturbed, and a farm lies to the north. The proposed amendment reinforces the existing and planned character of the area by creating a cohesive zone for industrial and research activities, which are critical for the economic growth of Teton County. The IR zoning is appropriate for the property's location, which is well-suited for development that requires significant infrastructure, such as direct access to Highway 33. This strategic positioning ensures that the amendment will not result in a demonstrable adverse impact on surrounding properties, nor will it place undue strain on public services, as the area is not in close proximity to public schools or residential neighborhoods.

b. Staff: LDC 1-1-B: 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 under Idaho Law, including the purposes stated in the Local Land Use Planning Act (Title 67, Chapter 65) of Idaho Code.

The current zone districts were applied in 2022 using the Future Land Use Map within the Comprehensive Plan, adopted in 2012. The properties across Highway 33 are commercial operations (MD Nursery parcels) but operating under Conditional Use Permits, not the zoning. If those uses ever changed, they would require new conditional use permits.

3. The Zoning Map amendment will reinforce the existing or planned character of the area.

a. Applicant:

The Zoning Map amendment will reinforce the existing or planned character of the area.

The proposed zoning map amendment for Settler's Place from LA-35 (Lowland Agriculture) to Commercial IR (Industrial/Research) is designed to reinforce and enhance the existing and planned character of the area. This alignment with both the current and future vision of the community is critical in ensuring that development within Settler's Place contributes positively to the broader goals of Teton County.

Alignment with Existing Land Uses

The area surrounding Settler's Place already includes IR-zoned parcels, which are designated for industrial and research activities. By rezoning additional parcels within Settler's Place to IR, the amendment reinforces the existing land use pattern, creating a cohesive industrial zone. This helps to establish a consistent and unified character across the area, reducing the potential for land use conflicts and ensuring that industrial activities are appropriately clustered.

Supporting Planned Growth and Development

The Teton County Comprehensive Plan and Land Development Code (LDC) outlines a vision for directed growth that supports economic development while preserving the rural character of the county. The IR zoning designation within Settler's Place supports this planned growth by providing a designated area for industrial and research uses, which are crucial for the county's economic diversification and stability.

The amendment aligns with the planned character of the area by situating industrial development in locations with lower visibility from highways and tourist centers, as intended by the Comprehensive Plan.

- b. Staff: The newly proposed IR Zoning will reinforce the existing character of the Rocky Road Industrial Park immediately to the south. A zone change for the entire subdivision could potentially lead to creeping character change of that area, which would not align with the comprehensive plan goals of creating economic centers in the Cities and rural county. Policy 2.3 suggests development should be steered towards existing services.

*Goal ED 2: Preserve our rural character and heritage and
promote local agricultural industries.*

Policies

- 2.1 Encourage development and land use proposals that support prime economic values of rural character and heritage.
- 2.2 Promote local agricultural industries and businesses.
- 2.3 Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.
- 2.4 Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.
- 2.5 Encourage development that adheres to environmental standards.
- 2.6 Encourage policies and resources which enable farms to adapt to changing paradigms.

- 4. 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.
 - a. Applicant: Applicant states proximity to highway gives easy access for public service delivery and that the location is not too close for public schools.
 - b. Staff comment: The newly proposed IR Zoning does not appear to result in lower public service delivery. Industrial buildings and building separations would be reviewed by the Teton County Fire Marshal before issuance of any building permit.
- 5. 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).
 - a. Applicant:

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).

The proposed zoning map amendment for Settler's Place from LA-35 to Commercial IR (Industrial/Research) is appropriate for the type of development permitted in the IR zoning district. The property's characteristics and location make it well-suited for industrial and research uses, as well as any limited accessory residential uses that may accompany such developments.

Suitability for Industrial/Research Development

The IR zoning district is intended to accommodate a range of uses including manufacturing, light industrial activities, office spaces, and research facilities. The subject property at Settler's Place is well-suited for these types of developments due to its:

Proximity to Highway 33: This major roadway provides easy access for transportation of goods, services, and personnel, which is essential for industrial and research operations.

Distance from Residential and Sensitive Areas: The property's location between Victor and Driggs, away from densely populated residential areas, ensures that industrial activities will not disrupt residential communities or sensitive environmental areas.

Infrastructure Compatibility

The property is located in an area where necessary infrastructure, such as roads and utilities, can either already support or can be extended to support the industrial and research uses permitted in the IR zoning district. This ensures that development in Settler's Place will be sustainable and well-integrated into the existing infrastructure network.

Compliance with Idaho Code Section 67-6519(3)

Although the application does not relate directly to a public-school facility, Idaho Code Section 67-6519(3) pertains to the consideration of public service impacts, including those related to schools. Since

- b. Staff: The zone change may be appropriate given surrounding land uses to the south. Subdivision infrastructure was completed in 2024 before the final plat was recorded which includes the road, communications and electrical to each lot.

6. There are substantial reasons why the property cannot be used according to the existing zoning.

- a. Applicant:

There are substantial reasons why the property cannot be used according to the existing zoning.

The current LA-35 (Lowland Agriculture) zoning designation for the property at Settler's Place imposes significant limitations that hinder the effective and sustainable use of the land. The following points highlight why the existing zoning is not suitable for the property and why a change to Commercial IR (Industrial/Research) is more appropriate.

Incompatibility with Current Land Use Needs

The LA-35 zoning is primarily intended for agricultural uses and very low-density residential development, with a focus on preserving open space, wildlife habitats, and rural character. However, the location of Settler's Place between Victor and Driggs, along Highway 33, is more aligned with the needs of industrial and commercial development rather than agricultural activities.

The surrounding area is already transitioning towards more intensive land uses, including industrial and research activities. The existing LA-35 zoning does not align with this evolving land use pattern, making it difficult to utilize the property effectively under the current zoning.

Limited Economic Viability

Under the LA-35 zoning, the economic potential of the property is severely restricted. Agricultural uses and low-density residential development do not capitalize on the property's strategic location along a major transportation corridor. The current zoning limits opportunities for economic development, job creation, and the attraction of businesses that could contribute to the local economy.

The inability to develop the property for industrial or research purposes under the existing zoning stifles potential economic benefits for both the property owner and the broader community.

Infrastructure Mismatch

The property's proximity to Highway 33 makes it ideal for uses that require easy access to transportation networks, such as industrial and research facilities. However, the LA-35 zoning does not support these types of developments, leading to an underutilization of the existing infrastructure.

The existing zoning restricts the property from being developed in a way that aligns with the infrastructure that is already in place or can be easily extended to support more intensive uses.

- b. Staff comment: Applicant recently recorded a final plat for a residential subdivision in this zone. There is not an undue hardship from the current zoning or use.

7. 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.

- a. Staff comment: The request to change the zoning to IR would not result in a takings of property, in either case of approval or denial. The property can currently be used under its existing zoning without hardship. Changing the zoning to IR would also not create a regulatory takings.

8. 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 storm water facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

- a. Applicant:

Nutrient-Pathogen Evaluation

The guidance for conducting a Nutrient-Pathogen Evaluation (NPE) has evolved with the adoption of the new Teton County Land Development Code (LDC). The revised LDC now specifies the triggers for an NPE under Section 6-6-2, which outlines the applicability of these evaluations.

6-6-2 Applicability

A. This section applies to:

- 1. Subdivision developments in the TN, RN, IR, RA, RR, and FH zone districts with 30 acres or less average density with standard on-site septic systems or 20 acres or less average density with advanced nutrient reducing on-site septic systems.*
- 2. Subdivision developments in the LA zone district with 75 acres or less average density with standard on-site septic system or 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.*

With the expansion of the applicability of NPE requirements under the new LDC, Settler's Place would technically fall within the scope of these regulations. However, considering the large lot sizes and the specific characteristics of the development, as well as previous experience with NPEs in the area, it is reasonable to conclude that an NPE may not be necessary or may not serve the intended purpose of influencing lot sizing or density adjustments. The unique circumstances of Settler's Place suggest that the development is unlikely to pose significant nutrient or pathogen risks that would necessitate such a study under typical conditions.

Traffic Impact Study

The 2022 Teton County Land Development Code does not specify a threshold at which a Traffic Impact Study (TIS) would be required. However, guidance from the Idaho Transportation Department (ITD) provides specific criteria under which a TIS must be conducted. According to IDAPA 39.03.42.400.03.f, a TIS is required when a new or expanded development seeks direct access to a state highway and meets any of the following conditions:

IDAPA 39.03.42.400.03.f

Unless the requirement is waived by the District Engineer, a Traffic Impact Study will also be required when a new or expanded development seeks direct access to a state highway, and at full build out will generate one hundred (100) or more new trips during the peak hour, the new volume of trips will equal or exceed one thousand (1000) vehicles per day, or the new vehicle volume will result from development that equals or exceeds the threshold values in Table 2. If the District Engineer waives the requirement for a Traffic Impact Study, the basis for such waiver will be justified and documented.

- b. Staff: The 9 lot subdivision was platted as a residential subdivision. No additional studies for impacts were required because of the number of lots proposed and the residential nature of the subdivision, but Title 9 would have allowed for a TIS if the Administrator found it may result

in a lower level of service. Staff would recommend a TIS for the change in use with special attention to the need for turn lanes onto the main highway access.

The change from residential to higher impact industrial uses may result in greater septic uses in this area. Other “Industrial Subdivisions” were platted as such with connections to City services for water and sewer.

9. 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.

a. Applicant:

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.

The proposed zoning map amendment for Settler's Place from LA-35 to Commercial IR (Industrial/Research) has been assessed to ensure it will not negatively impact the natural environment. The strategic location of Settler's Place, coupled with adherence to environmental safeguards and design considerations, supports responsible development while preserving the area's ecological integrity.

Air Quality

Industrial Zoning Regulations: The IR zoning district enforces strict regulations on emissions, ensuring that any development at Settler's Place will not adversely affect air quality. Buffer zones and green spaces will further mitigate potential emissions.

Water Resources

On-Site Water Supply and Stormwater Management: Water for Settler's Place is provided by an on-site well, reducing strain on local water resources. Stormwater is managed on-site through lot-specific retention systems, preventing contamination of local waterways and preserving water quality.

Wetlands and Waterways: Settler's Place was strategically located to avoid significant impacts on wetlands and waterways, ensuring that these critical habitats remain protected.

Noise Management

Noise Control Measures: The IR zoning district includes regulations to control noise levels, ensuring that industrial activities do not disturb the surrounding environment. Buffering and the strategic location of Settler's Place away from residential areas further reduce potential noise impacts.

Stormwater Management

On-Site Containment: Settler's Place will employ lot-specific stormwater retention systems that prevent runoff from affecting nearby land or waterways, thus minimizing flood risks and protecting soil integrity.

Best Management Practices: The development will adhere to best management practices, including permeable surfaces and natural filtration, to enhance stormwater management and maintain environmental quality.

b. Staff: There are no natural resource overlays present but the parcels are within the Scenic Corridor Overlay and should be screened appropriately. There is not any current landscaping outside of the subdivision sign at the entrance. Stormwater management should also be addressed. *Staff finds applicant's rebuttal insufficient for a screening proposal.*

10. The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.

a. Applicant:

The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.

The proposed zoning map amendment for Settler's Place from LA-35 to Commercial IR (Industrial/Research) has been thoroughly evaluated to ensure it will not negatively impact neighboring properties. The amendment considers the current use and zoning of adjacent properties, environmental protection measures, and the overall compatibility with the surrounding area.

Compatibility with Surrounding Land Uses

Adjacent Properties:

South: The property directly to the south of Settler's Place is already zoned IR, meaning the proposed amendment is consistent with the existing industrial and research land use in the area. This creates a cohesive zone of similar uses, reducing the potential for land use conflicts.

East: Across the road, the property is zoned RN-5, but it is currently used as a landscaping business. The commercial nature of this business aligns well with the industrial and research activities that would be permitted under the IR zoning at Settler's Place, ensuring compatibility and reducing the risk of adverse impacts.

West: To the west of Settler's Place are protected wetlands, which will remain undisturbed by the zoning change. The IR zoning includes requirements that protect nearby natural areas, ensuring that the wetlands continue to be preserved.

- b. Staff: The proposed zone change would align with the area to the south which is currently zoned IR. Staff has not received any public comments that would indicate opposition. The property to the north and west of this property would be the residential properties in the vicinity. **Screening should be considered. The applicant stated individual lots should be responsible for screening. Screening requirements at the zone change level could be included in a development agreement.**

11. 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.

- a. Staff comment: The request appears to be consistent with LLUPA.

AGENCY COMMENTS:

ROADS AND UTILITIES: Public Works made the following comments on 12/3/24:

- It appears this application is for a zone change. No changes have been made to the original plat. The subdivision infrastructure has been approved. Public Works does not have any concerns about this application.
- Access is existing from S 500 West. No new access is proposed with this application.

FIRE AND EMS: No comments received at this time.

EIPH: No comments received at this time. Each unit at building permit would be responsible for septic permits, per their residential subdivision plat.

Applicant provided a nutrient pathogen investigation which has been reviewed by the County's contracted reviewer. They requested additional information be included in the report which the applicant provided. The review concluded that

"The model simulation presented in the report predicts 1.0mg/L increase of nitrate at the subdivision boundary due to wastewater disposal. This is the maximum increase that can be considered negligible per DEQ guidance and signifies that the proposed subdivision does not pose a threat to groundwater quality."

Applicant also provided a "traffic impact assessment" on January 24, 2025. The assessment looks at S 2000 E and doesn't appear to address S 500 W. Public Works and ITD have reviewed and commented on the study with the following statements:

Public Works Comments

Upon review of the Settlers Place rezone Traffic Impact (TIS), I have the following observations:

☐ A TIS was not prepared for the original development. However, this TIS does mention current zone trip generation and rezone trips generated. The difference in trips generated between existing and proposed should be used for all shared cost calculations.

☐ TIS data suggests that this road segment is currently below acceptable standard at the intersection of SH33 and 2000S. Public Works is recommending that the rezone be approved with the condition that the developer contributes their share to improving this intersection based on increased traffic a result of the rezone.

ITD Comments:

Thank you for giving ITD the opportunity to review the TIS for Settler's Place. ITD concurs with the findings that left and right turn bays are needed at the intersection of 2000S and SH-33. In talking with the County Commissioners, it is agreed that both parties need to take any opportunity to install turn lanes at intersections with SH-33 in the Teton Valley. ITD requests that Settler's place install the required turn lanes. ITD reviewed a TIS for Wildflower and Trestles subdivision which would also impact the intersection of SH-33 and 2000S and ITD request the intersections be constructed at that time also. Is this a situation where all three developers can work together to construct the required improvements to SH-33?

RECOMMENDATIONS

The Board of County Commissioners should determine if the request for the rezone is appropriate for the subject parcels, if it is aligned with the Comprehensive Plan, and/or if additional studies should be required. During the subdivision process, the applicant did not conduct a TIS or Nutrient Pathogen evaluation for 9 residential lots, nor was future development restricted. The zone change to IR could allow for additional subdivision based on minimum lot size requirement. This would require a major modification to a plat under provisions of 4-14 E. The uses listed in the proposed site plan may or may not be allowed under the current uses allowed in the LDC. Certain uses are not listed or categorized within the table and are considered not allowed unless they can be considered substantially similar to listed uses. Otherwise an amendment to the LDC is required to add that land use to the tables. LDC Amendments may be required to confirm all uses and use scales fit the table. It may be a better fit for individual owners to process their requests under Special Use Permits, as mentioned in the pre-application conference. Another option is to negotiate the allowance of specific uses in the context of an amended development agreement. This model was used in the instance of Rocky Road Industrial Park and Driggs Center, albeit under provisions of the former land use codes. This option could reduce the burden of individual lot owners to obtain and the county to review special use permits on every lot.

H. Overall Study Summary

As shown in the tables presented in this assessment, the proposed developments at Settler's Place have a minimal impact on delay times and do not reduce the Level of Service (LOS) for either the 2034 buildout or 2054 buildout scenarios. However, the natural increase in traffic volume projected between 2024 and 2054, regardless of whether the developments proceed, demonstrates that Highway 33 and Intersection 1 (Hwy 33/2000 E) will operate at unacceptable levels and will require the following sequence of improvements:

1. Warranted Improvements:

a. 2024 Improvements:

1. Construct a northbound left-turn lane.

b. 2034 Improvements:

1. Construct a southbound right-turn lane.

c. 2054 Improvements:

1. Construct an additional northbound through lane.
2. Construct an additional southbound through lane.
3. Construct a traffic signal to service the intersection to acceptable levels.
4. Considerations for Traffic Signal Installation:

Although installing a traffic signal on Highway 33 is not desirable due to potential impacts on regional traffic flow, it is the only effective measure identified to achieve acceptable LOS under 2054 conditions before more drastic measures—such as right-in/right-out lane configurations or intersection closure—would be necessary.

If the BoCC finds the application meets to criteria for approval of a site specific zone change, the following conditions of approval included in the recommendation for approval from the PZC should be discussed and determined if appropriate (red text below aligns with supplemental materials provided by applicant):

1. Applicant to provide a full landscaping plan for additional screening of all lots in the Scenic Corridor and buffer residential properties to the north and west.
2. A development agreement to be required to regulate the allowed industrial uses and other impacts from the proposal. This Development Agreement is required to be recorded prior to the ordinance approval of the zone change.
3. A site-wide stormwater management plan for changing use be provided.
4. A no further subdivision restriction to be included in the Covenants, Conditions, and Restrictions (CCRs). This restriction should additionally be reflected on the plat. Furthermore, a development agreement between the applicant and Teton County is required.
5. A formal review of the Traffic Impact Assessment to be completed by Public Works and ITD before improvement discussions.
6. A formal review of the NP Investigation to be prepared by Teton County's technical consultant.

BOARD OF COUNTY COMMISSIONERS ACTIONS:

- A. Approval of the Zoning Map Amendment, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approval of the Zoning Map Amendment, with modifications to the application or conditions, or adding conditions of approval, having provided the reasons and justifications for the approval and any modifications or conditions.
- C. Denial of the Zoning Map Amendment application, providing the reasons and justifications for the denial.
- D. Continue to a future BoCC Public Hearing with reasons given as to the continuation or need for additional information.

MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

APPROVAL

Having concluded that the criteria for approval of a Zoning Map Amendment found in the Teton County Comprehensive Plan and the Teton Land Development Code Section 4-5 can be satisfied, I move to APPROVE the Zoning Map Amendment for Settlers Place Subdivision as described in the application materials submitted October 8, 2024 and additional information attached to the staff report. (With the following conditions of approval...)

DENIAL

Having concluded that the Criteria for Approval of a Zoning Map Amendment found in the Teton County Comprehensive Plan and the Teton Land Development Code Section 4-5 have not been satisfied, I move to DENY the Zoning Map Amendment for Settlers Place Subdivision as described in the application materials submitted October 8, 2024 and additional information attached to the staff report, based on the following findings...

CONTINUATION

I move to continue the public hearing for the Settlers Place Subdivision Zoning Map Amendment in order to obtain additional information from the applicant or other agencies *to the following hearing date and time...*

Prepared by: Torin Bjorklund, Associate Planner

Reviewed by: Jade Kruger, Interim PA

Updated for BoCC review by: Joshua Chase, Interim PA

Attachments:

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|---|--|
| A. Applications (8 Pages) | I. Public Comment (2 Pages) |
| B. Narrative (1 Page) | J. Public Works Review (1 Page) |
| C. Applicant Supplement Materials (58 Pages) | K. Response to PZC (93 pages) – UPDATE |
| D. Current Plat (2 Pages) | L. NP reviewer comments (2 pages) |
| E. Rezone Final Plat (2 Pages) | M. Engineer’s review of TIS (1 page) |
| F. Affidavits (3 Pages) | N. ITD email Comments on TIS (1 page) |
| G. Settlers Place Industrial Site Plan (1 Page) | O. Development Agreement (11 pages) |
| H. CCRs (19 Pages) | |

End of Staff Report