



REQUEST FOR ZONING MAP AMENDMENT

FOR: Settlers Place Subdivision

LA 35 to IR Proposal

PREPARED FOR: Board of County Commissioners

Public Hearing of June 09, 2025

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

APPLICANT: Charlie Gaudet

ENGINEER: Civilize Engineering

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

Update memo- The Board deliberated on April 14, 2025 regarding a rezone request for Settler's Place subdivision rezone and had directed the applicant to prepare an updated development agreement to address the anticipated uses for lots in the subdivision for which the rezone was requested. Development agreements are authorized for use in the context of a rezone request under Idaho Code Section. 67-6511A. - Development agreements.

Development Agreements have typically been limited in their scope of use in Teton County, Idaho to address required infrastructure improvements in association with a proposed subdivision. However in at least two instances subdivisions with a commercial or industrial zoning have entered into development agreements with the county which included specific uses, either allowed or prohibited, specifically Rocky Road Industrial Park and Driggs Centre. State statute referenced above states:

"Each Governing Board may... require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel."

It further states that the agreement is to be recorded and is binding upon the land owner and their successors. The agreement may only be modified by subsequent action of the Board following similar hearing procedures. If the uses on which the rezone request is based are not pursued on the property within a reasonable timeframe, the zoning may revert to zoning prior to the request. The language as written suggests the agreement's use for a specific parcel, but again the county has utilized this approach for all properties within a subdivision in the past with the approval of all landowners.

Part of the reasoning for utilizing an agreement for this request is that there was some public comment or interest in the potential uses of the parcels if rezoned. Including a list of uses prohibited beyond what the zoning may allow could provide additional surety regarding the expected uses of the property. Likewise, there was interest on the part of the applicant to gain clarity as to specific uses that can be approved under more generic categorical uses in the new Land Use Code including "light industrial" which do not have a comprehensive list of uses, but rather a few specific examples provided. There is administrative discretion in the new land use ordinance for categorizing or making a determination of similarity in order to allow for specific uses which are not listed in the land use tables. Some analysis of the uses proposed in the Development agreement follows.

Driggs Centre agreement served as an initial start point for considering allowed and prohibited uses. Prohibited uses are not considered here as their potential impacts are not contemplated in assessing conformance with the intent and specific details of the Land Use Tables of the LDC.

The LDC specifically states: “If a proposed uses is not listed in a use category, but is similar to a listed use, it may be considered as part of that use category.” It then provides 13 criteria to consider in making the determination. It also indicates if no similar use is identified then a use can only be considered through an amendment to the ordinance.

Uses listed for allowance in the agreement include:

Allowed uses:

- a. Contractors shop: office and yard including but not limited to Cabinetry, Landscaping, Building, Well Drilling, Plumbing These uses are found to be similar to listed uses under the category of Light Industrial which includes by example manufacturing, welding shop, woodworking... They generally are limited in their operation to minimizes noise, odor, dust, and glare to activity within the structure. Light industrial uses are permitted by right. They but they do need to meet the general use standards associated with the use.
- b. Office or professional business These are not clearly identified in either Principal Commercial and or Principal Industrial. The activity level would be generally less in some measures than light industrial but parking and intensity of use for volume of employees may be just difficult to compare with other uses in the table.
- c. Park and Ride facility This is a specific use in the land use table and is listed as not permitted in the IR Zone. It is only allowed through Special use permit in three zones including AOI RN-5 and RR-20. It may have some similarity to other uses such as Vehicle and Equipment Sales and Rental, but again it is a specific listed use.
- d. Print Shop This is a fairly specific use but again could be similar to uses under the category of Light Industrial which includes brewery, distillery, or clothing manufacturing.
- e. Storage Units / Storage facility / Truck and Auto storage Outdoor storage and Warehouse, storage and distribution are permitted by right in the IR zone.
- f. Vehicle / Appliance repair Vehicle and Equipment Sales and Rental is a permitted use in the zone.
- g. Car wash This is not a listed use. The most similar use may be Vehicle and Equipment Sales and Rental which is a permitted use in the zone.
- h. Light Manufacturing including metal fabrication and welding This is clearly listed as permitted in this zone.
- i. Utilities, Major This is currently allowed in the IR Zone through a Special Use Permit.
- j. Indoor recreation This is not a specific use in the table. There are three uses under recreation and only one is listed in the IR zone. All of them are outdoor recreation oriented. Indoor shooting range is allowed as a limited use in the IR zone. This appears to be the most similar use to what is requested.
- k. Outdoor recreation There are three uses under recreation and only one is listed in the IR zone. Motorized recreation is identified as a special use in the IR zone.
- l. Employee housing per Teton County Land Development Code. There are existing provisions for this and with more flexibility specifically in the IR zone.

In consultation with the applicants and their representatives it was noted that the Comprehensive Plan generally discourages retail uses outside of the commercial centers in the county within the incorporated Cities. This has been affirmed numerous times. The applicants removed a number of retail-oriented uses from the list of allowed uses that were included in the Driggs Centre list.

In summary, the areas in the request that are potentially inconsistent with the current LDC land use table are likely the Park and Ride facility, not allowed in this zone, Office and professional services, not clearly tied to specific similar uses in the table, and Major Utilities which are allowed but only by special use permit. The outdoor recreation use may need more definition to determine how it fits within the provisions of the land use table but there is support for this with a similar use under commercial rather than recreation uses. Another question is whether the uses the applicant is willing to forfeit should result in any flexibility in the requested uses. After some discussion with county legal it was discussed that specific requirements for review process such as a special use permit generally cannot be obviated by contract with the county (i.e. if a Special Use Permit is required it needs to be issued in order to have that use).