



# CITY OF VICTOR

## Planning & Building Department

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**Date:** October 10, 2024  
**From:** Kimberly Kolner, AICP, Planning and Zoning Director  
**To:** Board of County Commissioners  
**Subject:** **Victor Area of Impact – New Boundary, Zoning, Land Development Ordinance for Victor Area of Impact**

### PURPOSE

The purpose of this public hearing is for the Teton County Board of County Commissioners to consider the proposed 1.) new boundary, 2.) proposed zoning, and 3.) Land Development Code for the City of Victor Area of Impact. The BoCC are the decisionmakers on this item.

### BACKGROUND

The Area of Impact (AOI), is an identified area of unincorporated County land, outside of city limits. This area is defined and agreed upon by both the City and the County. This area is under the County's jurisdiction, however, specific plans and ordinance are agreed upon by both the City and the County that dictate planning and zoning procedures. The AOI is formally adopted by the County by ordinance. The County enforces the applicable codes in the AOI, although for some applications a joint city-county process is followed. Idaho Code §67-6526 dictates the negotiation and adoption procedures for creating and update an AOI.

### DISCUSSION

SB1403 amending the state statute to revise provisions regarding Comprehensive Plans and Areas of Impact was approved and signed into law to be effective July 1, 2024. Some of the key points have been taken into consideration while drafting the proposed AOI.

- Everything needs final approval by BoCC.
- Recommendations to BoCC are not required.
- Review of the local AOI is required every 5 years.
- Approval standards are new and include anticipated growth areas, geological factors, infrastructure connectivity, water sewer expansion in 5 years, and other public service boundaries.
- Boundaries shall be no more than one mile outside the City limits.
- Boundaries cannot split any parcels.
- Default is to use County Comp Plan, Zoning and Subdivision Code unless one is adopted specifically for the AOI.

#### ADOPTION OF THE COUNTY'S COMPREHENSIVE PLAN IN THE AOI

The County's Comprehensive Plan has a broader scope regarding the Victor AOI. Adopting the County's Comp Plan in the AOI will encourage lower density development OR will encourage properties to annex in order to receive city services and be able to develop according to the City's Comprehensive Plan. The key here is that annexation occurs before the City's Comp Plan is in place which can then be used to justify and guide more intense development.

#### AOI BOUNDARY MAP

Idaho Code §67-6526(b) states that any contiguous property may request to annex (not being in the AOI does not exclude these properties from requesting a Category-A annexation) Overall, decreasing the AOI and utilizing county zoning should encourage development at low densities/intensities OR encourage annexation prior to development.

While determining the limits of the proposed boundaries staff relied on the new state statute requirements.

- In most cases the existing boundaries were just pulled in to remove areas that were not anticipated growth areas such as existing platted subdivisions that are unlikely to annex or redevelop.
- Geological factors such as floodplains, slopes, and wildlife overlays were used to help determine development or redevelopment potential and also help dictate proposed zoning districts.
- The ease or challenge of potential future infrastructure connectivity also helped determine boundary locations such as if sewer would require future a lift station or several lift stations to function, or if adequate water pressure would be available due to elevation.
- Other public service boundaries such as roadways were also used as boundary lines for easy delineation.
- Parcel lines were also followed as boundary lines as parcels cannot be partially in and out of the AOI.
- Portions of the existing PUDs are more than one mile from the City limits. Staff did not feel it was appropriate to have some parts of the PUD within the AOI and other parts out of the AOI. New PUDs are not allowed in the AOI or within the City of Victor. Since the County approved and already manages the enforcement of the PUDs in the area, the efficiencies of consistent enforcement would be to have them remain under County regulation rather than within the AOI.
- The City wanted to have the city owned pit remain in the AOI, but with the ability to allow lot size exemptions for City purpose. The BoCC requested that those exemptions be removed from the Draft LDC. The City would be open to remove the parcels southeast of HWY 31 and S2000W from the proposed AOI.
- Based on anticipated development patterns (pending and expected applications) the City is likely to continue to grow to the north. This is why more undeveloped land in that direction remained in the proposed AOI while other areas were pulled in further.

Again, the boundaries of the AOI do not produce any eligible property from requesting an annexation.

## AOI ZONING DISTRICT

The County's Land Development Code currently includes two zones which are intended to be applied in the AOIs – AOI-2.5, Area of Impact Zone 1 and AOI-20, Area of Impact Zone 2. Victor has recommended adding an additional district for the AOI called AOI-10: Area of Impact Zone 3, which would allow for clustered residential development with required open space. This is intended to apply to areas within the Natural Resources Overlay, regardless of slope or topography.

While determining the limits of the proposed zoning district staff relied on the descriptions and intent of the zoning districts.

- AOI-2.5: Area of Impact – Zone 1: Indented for existing subdivisions.
- AOI-20: Area of Impact – Zone 2: Indented for undeveloped and undivided larger parcels
- AOI-10: Area of Impact – Zone 3: Indented for area in the Natural Resources Overlay District
- Staff also took into consideration the avoidance of spot zoning
- Staff preferred to have any one parcel have the same zoning district throughout the borders of said parcel, no split zoning on a signal parcel.
- Staff felt it was appropriate to have any county island (unincorporated land surrounded by the city) as AOI-20. This way anything other than the development of a single-family home would trigger the need to annex and allow for significantly higher density development.

## VICTOR AREA OF IMPACT LAND DEVELOPMENT CODE

The new County Land Development Code has been used as the base documents for the Victor AOI Land Development Code. This is for a number of reasons but most importantly, as these lands are under County jurisdiction it should resemble the County LDC and be formatted so that County staff can better administer the code. Through the review and drafting process chapters are being modified in the following ways to best suit the Victor AOI, and the goals of both the County and Victor Comp Plans. The draft includes the recent text amendments adopted by the County.

### Chapter 1 Administration

- Adopt County Code Chapter 1 with modifications appropriate for the Victor AOI.

### Chapter 2 Zone Districts

- Provided more detailed descriptions for AOI zoning districts. Added development and open spaces requirements for the AOI-10 district. The number of lots available to be created by a subdivision process is based the minimum percentage of open space being dedicated (50% or 25%). Then the property is allowed one lot for every 10 acres with 25% open space dedication of the parent parcel or one lot for every 5 acres with 50% open space dedication of the parent parcel.
  - Example A: 40-acre parcel, dedicating 25% will be allowed 4 buildable lots. One lot at 10 acres as open space, and 4 residential parcels using up any configuration of the remaining 30 acres. Lots are required to be a minimum of 1 acre to accommodate septic area.

- Example B: 40-acre parcel, dedicating 50% will be allowed 8 buildable lots. One lot at 20 acres as open space, and 8 residential parcels using up any configuration of the remaining 20 acres. Lots are required to be a minimum of 1 acre to accommodate septic area.

#### Chapter 3 Use Provisions

- Amend the County Code to only include uses appropriate for the area and encourage development within municipalities or after annexation.
- Commercial uses and high-density developments are encouraged to take place after annexation into the City of Victor. Many uses are not included in the use table for this reason. This is an intentional action to ensure that the comprehensive plan is being followed.
- Food and Beverage Processing Facility is proposed to be only when Agriculturally Related. The processing is limited to be for products that are grown or raised onsite.

#### Chapter 4 Application Procedures

- Adopt County Code with modifications that address Joint P&Z which would include members from both County and City Planning and Zoning Commissions.
- Language added to address development agreements that are allowed per Section 67-6511A of Idaho Code.

#### Chapter 5 Development Standards

- Adopt County Code with minor modifications to address Victor AOI needs.
- Adjusted some of the required items in Table 6 to be required at the time of subdivision. This is in hopes to address some of the larger site development impacts such as vegetation and wildlife at the time of subdivision rather than building permit.

#### Chapter 6 Subdivision Design Standards

- Adopt County Code with minor modifications to address Victor AOI needs. These modifications take into consideration for future annexation of subdivisions within the AOI; such as requiring stub roads to vacant adjacent properties, requiring neighboring development to connect to existing adjacent stud roads, and paved streets within new subdivisions.
- These items also address nearly all of the comments from the Victor P&Z would continually be concerned about when reviewing new subdivisions within the AOI.

#### Chapter 7 Definitions

- Adopt County Code with minor modification to address Victor AOI needs.

#### Appendix: A - City of Victor Area of Impact - Supplemental Specifications

- Prepared by the City of Victor's City Engineer to address the paving requirements for new subdivisions. The amendment document will aid developers, and their civil engineers know how to design the roadways based on the County standards but with the paving requirements of the AOI. Amendment to Teton County Resolution 2013-0411b "Adopting Highway & Street Guidelines for Design & Construction in Teton County"

## PROCESS:

1. ✓ Sent letter to the Board of County Commissioners April 2021 requesting to amend the AOI.
2. ✓ Met with County Staff to begin this process, Council subcommittee reviewed the current agreement and boundary, and provided staff with direction.
3. ✓ Updated documents and maps drafted and reviewed.
  - a. ✓ *November 30, 2023 Victor P&Z (meeting notice published in newspaper on November 8 and 15, 2023)*
  - b. ✓ *January 18, 2024 Victor P&Z (meeting notice published in newspaper on January 3, 2024)*
4. ✓ Work Sessions:
  - a. ✓ *May 9, 2024, Victor P&Z*
  - b. ✓ *May 14, 2024, County P&Z*
  - c. ✓ *May 22, 2024, Victor City Council*
  - d. ✓ *June 10, 2024, BoCC*
  - e. ✓ *July 9, 2024, County P&Z*
  - f. ✓ *August 12, 2024, BoCC*
  - g. ✓ *August 14, 2024, Victor City Council*
5. **IN PROCESS** – Public Hearings:
  - a. ✓ *September 10, 2024, County P&Z (all legal notice requirements met, mailing (to all property owners proposed to be removed from AOI, 16 posting locations around Victor, newspaper)*
  - b. ✓ *October 28, 2024, BoCC (all legal notice requirements met, mailing to all property owners within the proposed AOI, 16 posting locations around Victor, newspaper)*
  - c. *Following County adoption the City of Victor will need to update or remove Title 8 of the Victor municipal code.*
6. The Area of Impact Agreement is adopted by Ordinance and becomes effective upon publication in the newspaper.

## ATTACHMENTS

## MAPS

Victor Area of Impact Zoning and Boundary Map

Map of areas to be removed from AOI only

Map of New AOI only

Utilities outside City Limits and outline of old and new AOI boundary

## DOCUMENTS

Draft Victor Area of Impact Land Development Code

Draft Ordinance for AOI

Redline Comparison of the AOI LDC and the County's LDC

Draft Redline to Title 2

Draft Ordinance for Title 2