



**Teton County – Board of County Commissioners
October 28, 2024
City of Victor - Area of Impact Update (2:00 PM Public Hearing)
Zone Change: Area of Impact – City of Victor (3:00 PM Public Hearing)**

Overview:

The City of Victor is currently working to update the Area of Impact (AOI) agreement with Teton County. The AOI is an identified area of unincorporated County land outside of City limits meant to help develop and grow sustainably. Per new state statute, the AOI agreement will be reviewed by the BoCC. This staff report will address both items (AOI Update and the AOI Zone Change) occurring on October 28, 2024 at public hearings.

The City of Victor has supplied a staff report and attachments to give a full overview of their AOI update and proposal.

To date the City of Victor has worked with its PZC and City Council for several work sessions. Victor has also worked with Teton County PZC and BoCC on this update starting in 2021. Meetings begin between City and County staff in 2022. Work sessions were held with Victor P&Z, Victor City Council , Teton County PZC, and the Board of County Commissioners:

- 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

The first public hearing was not until September 10, 2024, for the zone change hearing before the County PZC.

Review:

At the PZC meeting September 10, 2024, the zoning for the areas proposed to be removed from the AOI were considered for new County zone districts. Per state statute, the PZC does not have to make a recommendation to the BoCC on a full Area of Impact update. The Zone Change, however is held to the current County Ordinance.

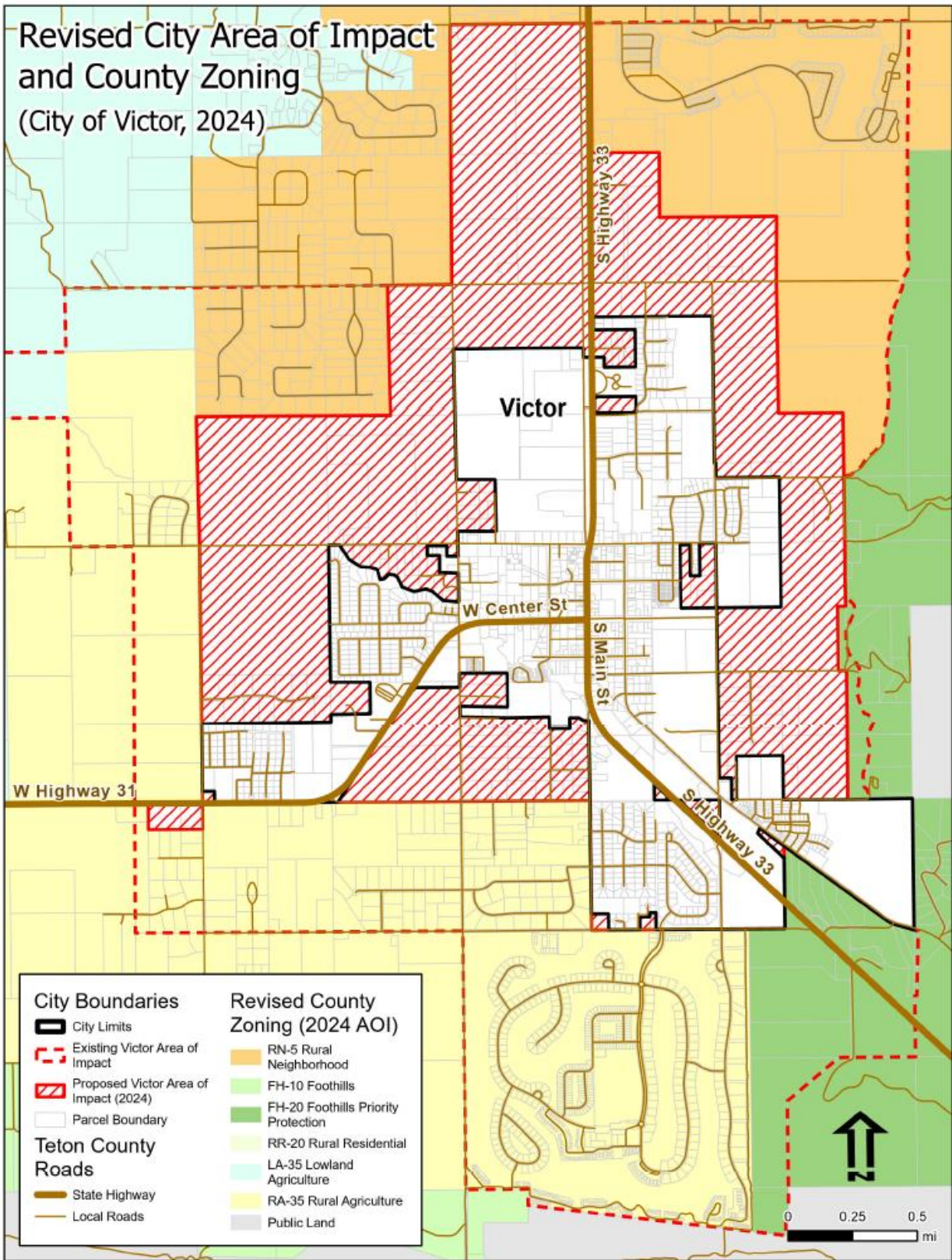
The hearing was separated into a questions and answers segment, following that, a formal public hearing. The full meeting minutes are attached and are referenced in a staff questions section. The PZC made the following motion:

MOVER: Carl Kohut
SECONDER: James Weber

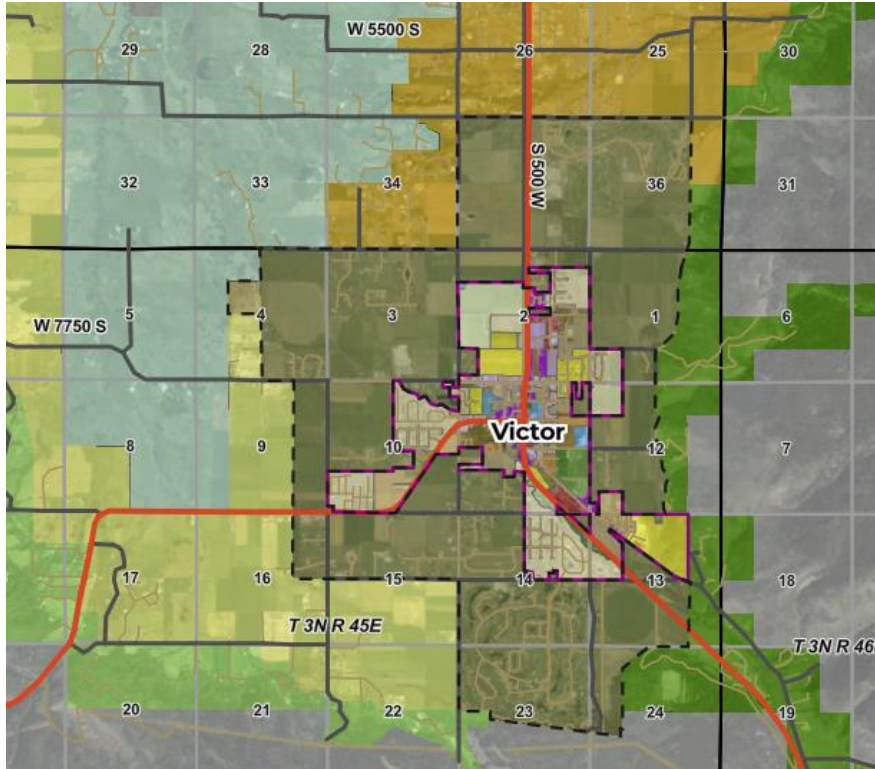
Finding the criteria in LDC 4-4-F have been met, I move to recommend approval of the Victor Area of Impact Zone change for parcels being removed from the Victor AOI as presented in the staff report and request the BoCC reevaluate the AOI in consideration of following:

1. New AOI boundaries for properties either abutting high density or currently on city utilities;
2. Foothills zoning may or may not apply to lots on the valley floor;
3. RA-35 zoning apply to lots surrounding by 2.5 and 5 acre parcels
4. Public comments shared during 9/10 P&Z meeting and any additional public comment.

This was motion was approved with a 5-0 vote.

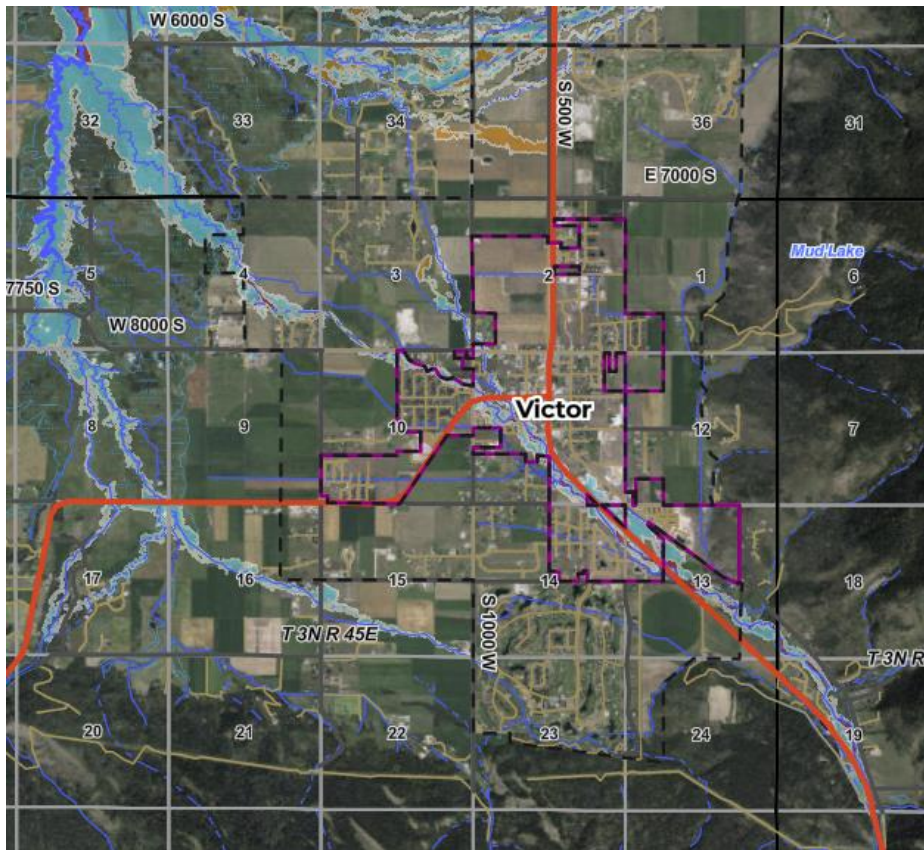


The parcels being removed from the AOI were proposed to match the existing County zoning districts surrounding the parcels.



All current AOI zoning for Victor is 2.5 acre minimum lot size. The shrinking in the AOI boundary will result in a down zone for some parcels as they are being given County zone districts. Some of the lands being removed from the AOI fall within the Hillside Overlay, the Bear Conflict Overlay, and the Wildfire Hazard Overlay. Very little lands are within the Floodplain, regulatory or preliminary data sets.

Under the LDC, Section 4-4 outlines the process and review criteria for a large-scale revision to the official zoning map.



4-4-F lists the following review criteria for a zoning map revision:

a. The comprehensive plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact.

Staff comment: The reduction in the area of impact boundary follows state statute guidelines (§67-6526). Further, it requires that the Area of Impact be governed by the County's Comprehensive Plan. The proposal for the zone change enacts County zoning to the parcels being removed from the AOI and follows the Comprehensive Plan 2012-2030 guidelines.

b. The comprehensive plan amendment is in response to changes in state law, as established through amendments to the Idaho Statutes or by court decision.

Staff comment: The change in AOI legislation did result in the need for agency for amendments to the current AOI boundary and plans in place. The existing AOI was last updated in 2007 and does not meet State Statute for the boundary.

§67-6526 states that areas of impact shall be based on anticipated commercial and residential growth; geographic factors; transportation infrastructure and systems, including connectivity; areas where municipal or public sewer and water are expected to be provided within five (5) years; and other public service district boundaries.

Further, it shall not exceed areas that are likely to be annexed within five (5) years and not extend more than two (2) miles from existing city limits.

c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law.

Staff comment: The zone change proposal, as an effect of the AOI boundary change is to conform to state statute.

d. The comprehensive plan amendment constitutes a benefit to the County as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

Staff comment: The zone changes for parcels being removed from the AOI will further the goals of the County's comprehensive plan.

e. The proposed change is consistent with policies of the comprehensive plan, the requirements of the Planning Act, and state and federally mandated uses.

Staff comment: Zone change application complies.

f. The comprehensive plan amendment substantially conforms to the stated purpose and intent of the LDC.

Staff Comment: Zone change application complies.

Purpose and Intent:

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 available under Idaho law, including the purposes stated in the Local Land Use Planning Act (Title 67, Chapter 65) of the Idaho Code.

g. The comprehensive plan amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.

Staff comment: The zone change amendment is not anticipated to have adverse impacts on the natural environment, air, water, noise, stormwater management, wildlife, scenic corridor views or vegetation.

h. The comprehensive plan amendment will not have a demonstrable adverse impact on existing conforming development patterns, standards or zoning regulations.

Staff comment: The change in zoning and reduction in AOI, will further both the City and County's Comprehensive Plan goals of creating visual separation from City and rural areas, and to encourage growth in existing population centers.

i. The comprehensive plan amendment will not have a demonstrable adverse impact on delivery by any jurisdiction or agency providing public services in the County, including school districts

Staff comment: There are no proposed changes in services.

Noticing:

The application for the Area of Impact Update has been noticed in TVN on October 9 and October 16, 2024. Affected property owners were noticed by mail in August and again October 9, 2024. The Area of Impact Boundary was posted on October 10, 2024.

Public Comments:

Staff received several written comments on this application. 8 members of the public gave public comment at the PZC hearing (full meeting minutes attached). Many more asked questions before the hearing opened.

PUBLIC COMMENTS:

Mr. Michael Fortier, representing Teton Reserve HOA, commented they wanted to be sure that there would be no effect on their current zoning.

Ms. Marie Zolezzi, 25 Targhee Trail, asked about the area that is being removed from the AOI and what the impacts are on those areas, both positive and negative.

Mr. Arnold Woolstenhulme, 1505 W Hwy 31, was concerned that his new zoning would be RN-35 and he wanted to strongly object.

Mr. Kendall Jolley, 9290 Old Jackson Highway, stated he was across from city services and industrial zoning and was concerned that the new zoning should be as close to the zoning in the city so they will be annexed in the future.

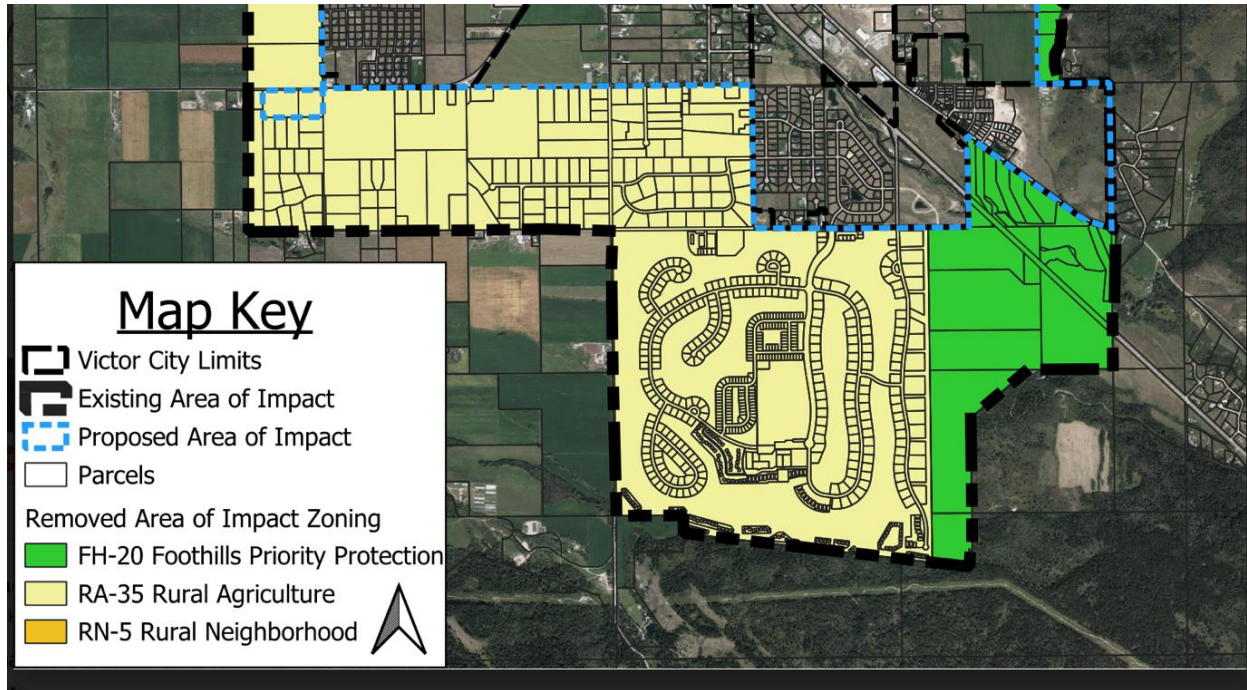
Mr. Josh Thulin, owner of property contiguous to the changes, was concerned that there were no public work sessions to discuss the changes with the parcel owners. He stated he was not notified of the hearing and was concerned that his neighbors should have been noticed so they can get involved.

Mr. Halsey Hewson, Hwy 33 and 9500 S, commented he is adjacent to the city boundary line and was concerned that his school is allowed now in his current zoning but would not be in the new zoning and wanted to know how much time he would have before the zoning changes.

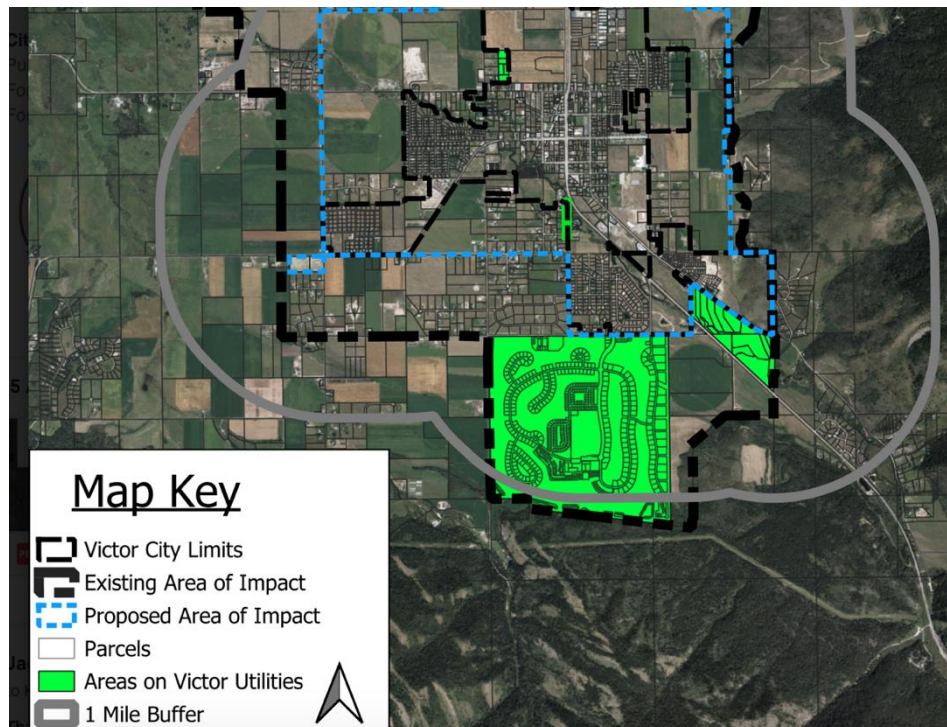
Ms. Janine Jolley, owner of 9 parcels adjacent to the city in the existing AOI that comprise approx. 50 acres, talked about adjacent existing zoning in the city and felt the change to RN-35 was unacceptable. She also noted they all have City of Victor water connected to their properties. She stated they were opposed because of the financial loss to her family that was part of settling the valley.

Ms. Sharon Woolstenhulme, 1505 W Hwy 31, distributed to the Commission a larger map of the proposed zone changes. She pointed out the numerous subdivisions that were existing with 2.5 acre lots and did not believe changing zoning to RN-35 made any sense. She wanted to see her property be zoned RN-5 to be more consistent with the adjacent properties.

- Public comment noted concerns around the proposed AOI Boundary:
 - Around 9500 S and the newly proposed R-35 acre avg density County Zoning. PZC included this area in their recommendation for potential review, as much of the land has been subdivided into 2.5 acre lots.



- Near Hwy 33 on the southern end of the proposed AOI boundary – both the eastern and western sides have been proposed to receive FH zone districts. Land owners question the character of the foothills zoning in this section and in areas considered the valley floor.



The utilities map from the City of Victor confirms the parcels on the eastern proposed AOI boundary (near Old Jackson Hwy) do have connection to Victor utilities.



- The land-owner group for the 4, 40 acre parcels (highlighted in green, across Hwy 33 from Teton Reserve)) have expressed concerns about the AOI zone district and boundary for maintaining these parcels in the AOI. Public Works for Teton County has also expressed the potential for a gravel pit operation on one of these parcels.
 - The City of Victor states they anticipate growth to the northern boundary of the AOI.

Teton County BoCC will hold two public hearings: 1) on the Area of Impact, Code and guiding documents for inside the Area of Impact and 2) on the zoning districts for parcels being REMOVED from the current Area of Impact.

- Staff has sent the draft AOI Code to County legal for review to ensure compliance with the state legislation that became effective this July. The BoCC has reviewed the draft AOI materials in several work sessions with the City of Victor.
- It was a recommendation from legal counsel to review these items separately: the AOI and the Zone Change component.

BoCC Options for the Area of Impact Update:

1. Approve the AOI update including the code, plans implemented in the AOI, and AOI boundary
2. Approve the AOI update with conditions
3. Continue the item for additional information from staff
4. Deny the update for the following reasons

If approved, staff would bring forward the two ordinances (one for adoption and amendment to County Title 7 and the second to amend Title 2) to the BoCC to finalize the adoption process. These draft ordinances are included for reference.

Potential Motions:

1. I move to Approve the Area of Impact Update with the City of Victor as presented and recommended by Victor’s City Council including: the AOI Boundary, AOI zoning, the AOI Land Development Code, including Appendix A: City of Victor Area of Impact Supplemental

Specifications; and the Teton County Idaho Comprehensive Plan as adopted in 2012 (with any conditions)....

2. I move to Deny the Area of Impact Update with the City of Victor as presented and recommended by Victor's City Council including: the AOI Boundary, AOI zoning, the AOI Land Development Code, including Appendix A: City of Victor Area of Impact Supplemental Specifications; and the Teton County Idaho Comprehensive Plan as adopted in 2012.
3. I move to continue the public hearing for the Victor Area of Impact to the following date and time to obtain (insert information here)

BoCC Options for the zone change:

1. Approve the zone change for lands proposed to be removed from Area of Impact of Victor or approve with conditions
2. Continue the item for more information from staff
3. Deny the zone change for lands proposed to be removed from the Area of Impact of Victor.

Potential Motions:

1. Finding the criteria in LDC 4-4-F have been met, I move to approve the Victor Area of Impact Zone change for parcels being removed from the Victor AOI as presented in the staff report.
2. Finding the criteria in LDC 4-4-F have not been met, I move to Deny the Victor Area of Impact Zone Change for parcels being removed from the Victor AOI based on the following findings....
3. I move to continue the public hearing for the Victor Area of Impact Update zone change to the following date and time to obtain (insert information here)

Attachments:

1. Proposed AOI Map (1 page)
2. Proposed Zone Districts for lands being removed from the AOI (1 page)
3. Proposed Area of Impact Map and Zonings _Parcel level (2 pages)
4. Utilities outside of City Limits (1 page)
5. Proposed Area of Impact (full draft) (153 pages)
6. Draft Ordinance for Adoption / Amendment to County Title 7 (4 pages)
7. AOI (Redline Version) (177 pages)
8. Draft Redline of County Title 2 (6 pages)
9. Draft Ordinance for Revision to County Title 2 (2 pages)
10. Area of Impact _ Victor Staff Report (3 pages)
11. PZC Meeting Minutes from March (10 pages)