

STAFF REPORT



To: Teton County Planning & zoning Commission
From: Leanne Bernstein, Planning & Zoning Administrator, City of Driggs
Report Date: February 7, 2024
Meeting Date: February 13, 2024
Project Name: City of Driggs Area of City Impact – Negotiations with Teton County, ID – WORK SESSION

The Area of City Impact (AOI or 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 ordinances are agreed upon by both the City and the County that dictate annexations and other planning and zoning procedures. The AOI is formally adopted by both the City and County by ordinance. The County enforces the applicable codes in the AOI, although for some applications a joint city-county review process is followed. [Idaho Code §67-6526](#) dictates the negotiation and adoption procedures for creating and update an AOI.

The University of Idaho College of Law and Idaho Smart Growth published a very helpful guide on the AOI:
[Area of City Impact: A Tool kit of Guidelines and Resources for use by Idaho Cities and Counties](#)

PROJECT HISTORY:

The City of Driggs adopted Ordinance #325-11 on October 4, 2011, which adopted the boundary and legal description of the Driggs Area of City Impact and specified the plan, zoning regulations, and subdivision regulations in effect in the Driggs Area of City Impact. Teton County also adopted the AOI agreement via Ordinance in 2011. In 2017, the Area of Impact was amended by both the City and County to include the Airport Overlays and regulations.

State Statute §67-6526 requires that the governing boards review the AOI agreement at least every 10 years to determine if renegotiations are in the best interest of the citizenry. As such, City Council formally requested that the City of Driggs and Teton County mutually begin the process of renegotiating the AOI Agreement, by letter dated December 29, 2020. Teton County responded, affirming the effort to renegotiate the AOI Agreement via letter on April 1, 2021. The Driggs Planning & Zoning Commission began discussions about an updated AOI agreement in 2021 and into 2022. Due to other demands on staff and review requests in front of the Commission, the update process had slowed down, however the Planning & Zoning Commission and staff were able to prioritize the project again beginning this past July. Since July 2023, the Commission has been working on this topic during work sessions each month during their regular meetings. A summary of the Driggs Commission's meetings is included as Attachment B for reference.

CURRENT PROPOSAL FOR AOI NEGOTIATIONS PER DRIGGS P&Z COMMISSION WORK SESSIONS:

Please note that this is the result of Driggs P&Z Commission work sessions and is not yet a formal recommendation. The Commission has been working towards this proposal by working through our guiding documents and plans and the needs and goals of the city, in order to create a starting point for discussion.

- ❑ Boundary – Propose to decrease the AOI boundary from where it currently is in order to be more in line with State Statute. See discussion map included as Attachment A.
 - §67-6526(b) states that in defining an area of impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future. Therefore, the current discussion of the AOI boundary includes (1) areas that the city reasonably anticipates annexing in the next 5 to 10 years; (2) areas that are included in the Transportation Plan; (3) areas that are included in the Airport Master Plan. We must balance the desire for control over areas that may have an impact on the city if developed with the fact that, if annexed, the city would be responsible for services including road maintenance and repair and eventually providing water and sewer service.
 - Areas considered for annexation in the next 5 to 10 years include: (1) City-owned property at the north end of the runway; (2) Waste Water Treatment Plant and other City-owned property in that area; (3) Properties and subdivisions that are connected to the city's water and/or sewer system along Ski Hill Road.
 - Areas that are not within the AOI but would like to annex may request to annex (not being in the AOI does not exclude these properties from requesting and Category-A annexation). However, in order for the City to initiate annexations, the area must be within the AOI first to qualify.
 - Overall, decreasing the AOI and utilizing county zoning should encourage development at low densities/intensities OR encourage annexation prior to development.
- ❑ Utilizing County Zone Districts
 - The [County's Land Development Code](#) 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*, which are proposed to be utilized in the new AOI. *LA-35, Lowland Agriculture* and *IR, Industrial/Research*, from the County's code are also proposed to be used. A new zone is proposed to be created to specifically apply to the County's Fairgrounds.
 - *AOI-2.5, Area of Impact Zone 1* – Residential zone, minimum lot size of 2.5 acres.
 - *AOI-20, Area of Impact Zone 2* – Residential zone, minimum lot size of 20 acres.
 - *LA-35, Lowland Agriculture* – Intended to maintain undeveloped floodplain, wetlands, and wildlife areas. Density not to exceed one lot per 35 acres.
 - *IR, Industrial/Research* – Intended to accommodate manufacturing, light industrial, office, and research.
 - The Use Table (in Sec. 3-2-2 of County Code), lists the allowed uses in each zone. In general, the allowed uses in the county zones are less intensive than city zoning districts.
- ❑ Overlay Zones

- Adopt the City’s Commercial [Design Standards and Guidelines](#) and apply the Design Overlay along Hwy 33 and along Ski Hill Road. Although, it is noted that there is no proposed commercial zoning along Ski Hill Road in the proposed AOI. The County’s Scenic Resource Protection standards (Art. 5-5 of County LDC), could be considered, although much of the area in the proposed AOI is already platted.
- Adopt the City’s Airport Overlays. See Art. 9.2 of the City’s LDC.
- Code
 - Chapter 1 Administration
 - Adopt County Code Chapter 1 with modifications appropriate for AOI
 - Chapter 2 Zone Districts
 - Adopt County Code Chapter 2
 - Adopt zones proposed to be used in AOI.
 - Consider changing names of zone to avoid confusion.
 - Adopt City Design Review Overlay (LDC Art. 9.3 and Appendix A).
 - Adopt City Airport Overlays (LDC Art. 9.2 and 9.5)
 - ~~Adopt City Floodplain Overlay Standards (LDC Art. 9.1)~~ Adopt County’s Title 12 Flood Damage Prevention Ordinance
 - Chapter 3 Use Provisions
 - Adopt County Code with modifications that address city/joint review
 - Chapter 4 Application Procedures
 - Adopt County Code
 - Chapter 5 Development Standards
 - Adopt County Code (includes Natural Resource Protection)
 - Chapter 6 Subdivision Design Standards
 - Adopt modified code based on City LDC Chapter 12
 - Chapter 7 Definitions
 - Adopt County Code
- Comprehensive Plan – Propose to adopt the [County’s Comprehensive Plan](#) in the AOI.
 - The County’s Comprehensive Plan has a broader scope regarding the Driggs AOI.
 - The City’s Comprehensive Plan contemplates long range development and envisions ultimate buildout of these areas, which may be appropriate eventually, but may not be appropriate immediately. 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.
- Transportation Plan – Adopt the [City’s Transportation Plan](#).

NEXT STEPS:

- February 8 - Public Open House 4:30-6:30pm (City Hall)
- February 13 – County Planning & Zoning Commission work session 5pm (County Courthouse)
- February 13 – City Planning & Zoning Commission work session 6pm (City Hall)
- February 26 – Board of County Commissioners work session time tbd (County Courthouse)
- Additional work session or Public Hearings to be scheduled after listed work sessions

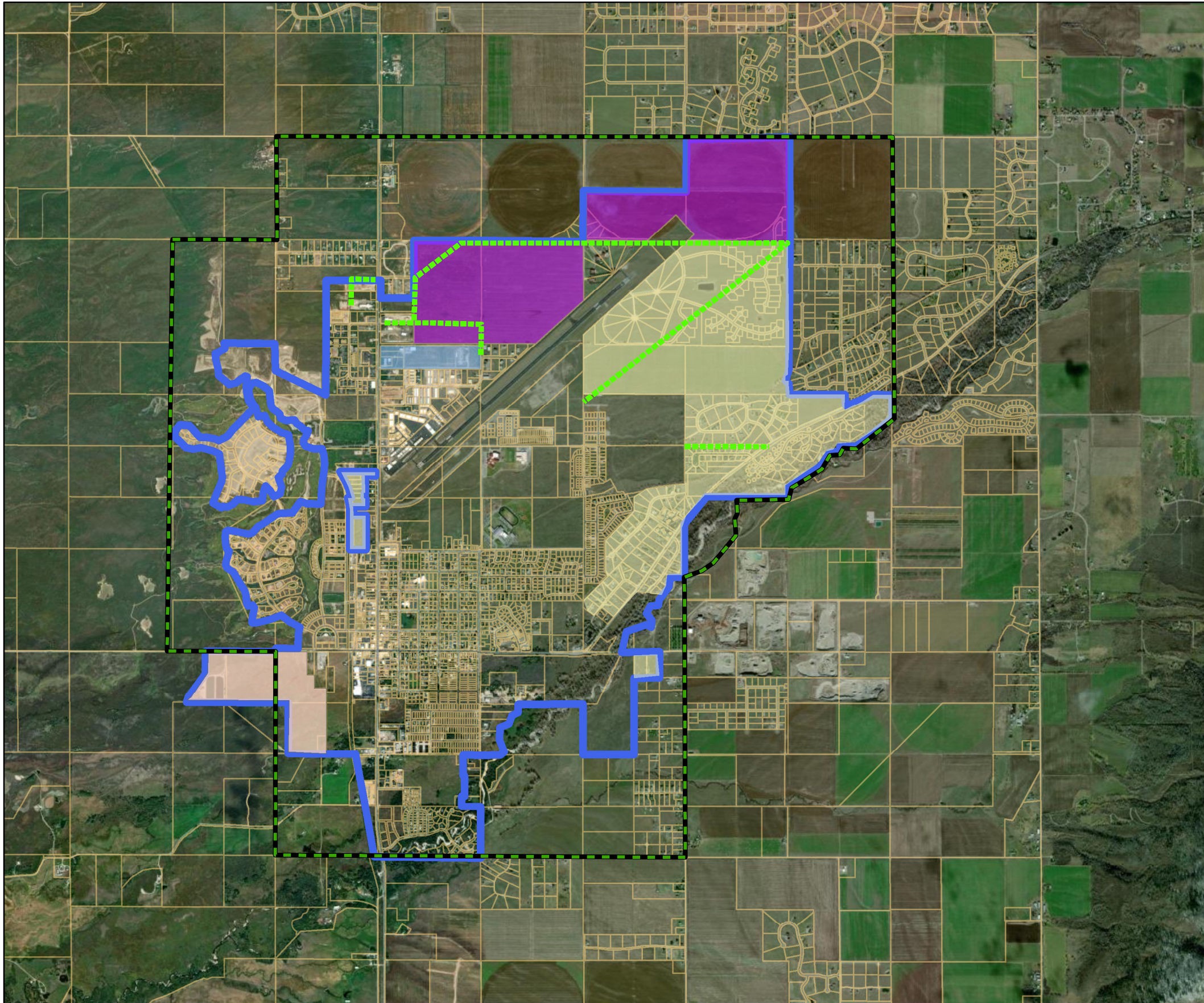
WORK SESSION DISCUSSION:

City Staff will be present during the work session on 2/13. Please come with any questions and/or initial feedback you may have on the AOI in general, or the current working proposal. A goal of the works session is to better understand state statute requirement for the AOI and the goals of the City and County, individually and together.

Attachments:

A: Discussion Map

B: Summary of Driggs P&Z Commission work sessions 2021-present



- Driggs Transportation Plan - Future Connections
- Current AOI Boundary
- LA-35_LowLandAg
- AOI-2.5_Zone_1
- IR-Industrial Research
- Fairgrounds
- Proposed AOI Boundary
- parcels

HIGH-LEVEL SUMMARY OF P&Z COMMISSION WORK SESSIONS:

4/14/2021

- ✓ Introduction to the AOI and update process

5/12/2021

- ✓ Reviewed major pieces of the AOI (zone designations, subdivision regulations, administrative procedures) and options for updating each piece.

11/10/2021

- ✓ Reviewed major pieces of the AOI discussed in May, with the addition of the Boundary and Comprehensive Plan

1/12/2022

- ✓ In-depth conversation about zoning map and zoning districts, referencing the Driggs' Comprehensive Plan
- ✓ Discussed overlays

2/9/2022

- ✓ Continued discussion on the zoning map and zoning districts

7/1/2023

- ✓ Refreshed understanding of the AOI, update process, and intended goals.
- ✓ Discussed proposed zoning
- ✓ Discussed overlays to apply in the AOI, including wetlands, floodplain, design review, natural resources, etc.

9/27/2023

- ✓ Discussed Comprehensive Plan to be effective in the AOI
- ✓ Discussed drafted zoning and AOI boundary, including findings and justification regarding AOI boundary
- ✓ Discussed proposed Annexation Plan
- ✓ Discussed adoption of code sections from county vs. city

10/4/2023

- ✓ Discussed using the County's Comprehensive Plan in the AOI
- ✓ Discussed drafted zoning and AOI boundary, and proposed Annexation Plan
 - Commissioners asked for more information on existing utility connections and will-serves outside of city limits.
 - Commissioners expressed general support for Annexation Plan and wanted to ensure that it captured all appropriate areas.
- ✓ Discussed which code sections to adopted from county code vs. city code. General support for code sections as presented in staff report.

11/8/2023

- ✓ Reviewed all water and sewer connections and will-serve outside of city limits (staff presented map during meeting)
- ✓ Discussed annexation plan and proposed AOI Boundary. Commission expressed general support for both, although a need for more discussion was acknowledged regarding the proposed boundary.
 - Discussion focused largely on utilities and water/sewer service, whether we should consider an annexation plan for areas where connection lines exist, how monitoring outside of city limits works.

12/13/2023

- ✓ Discussion with Public Works Director regarding utilities and services.
- ✓ Discussed annexation plan and proposed AOI boundary and justifications for each.
- ✓ Discussed plan to meet with City Council on February 6 and general support to show Council the Commission's current consensus on potential AOI negotiation proposal.