



STAFF REPORT

PROPOSED AMENDMENT TO COUNTY ZONING MAP AND VICTOR AREA OF IMPACT MAP:

September 14, 2015

Teton County Board of County Commissioners Public Hearing

OWNER: The Bank of Commerce

APPLICANT: Teton County Planning Department

REQUESTS: The City of Victor de-annexed three parcels from the City Boundary. The planning staff is proposing to add these parcels to the Victor Area of Impact and re-zone them to the A-2.5 zoning district. This proposal would amend the Victor Area of Impact Map, referenced as Exhibit A in the Area of Impact Agreement (Teton County Title 7), and amend the Zoning Map referenced in the Teton County Zoning Ordinance 8-3-1.

Teton County Planning and Zoning Commission held a public hearing on August 11th and made the following recommendation (Unanimously):

Having found that the proposed zone change is consistent with the Teton County Comprehensive Plan, Teton County Zoning Ordinances and the Victor Area of Impact Agreement, and having found that a public hearing was properly noticed and conducted according to Idaho State Statute, I move to recommend the proposed amendment that would assign the A-2.5 zoning district to the newly de-annexed parcels and add them to the Victor Area of Impact as presented in the application materials.

CODES: Teton County Zoning Ordinance Section 8-3-1: Zoning Maps, Teton County Area of Impact Agreements Title 7-3-2: Boundary Definitions, and Idaho State Statute: 67-6526: Areas of City Impact- Negotiation Procedure, and 67-6511: Zoning Ordinance

LEGAL DESCRIPTION:

Tax # 6178 Sec 3 T3N R45E, (RPB3N45E031801);
Tax # 6179, Sec 3 T3N R45E, (RPB3N45E031802);
Tax # 6180: Sec 3 T3N R45E; (RPB3N45E031803)

LOCATION: These parcels are located on 1000 West just south of 7000 South.

The proposed parcels would be removed from the Victor City Boundary and added to the Area of Impact, in County jurisdiction.

PROPERTY SIZE:

- Tract #1- approximately 20.01
- Tract #2- approximately 20.01
- Tract #3- approximately 20.01

ZONING:

The area is currently zoned Victor Zoning R1. The amendment proposes to re-zone these properties to A-2.5, add the parcels to the Area of Impact and add them to the Victor City Urban Growth Boundary.

VICINITY MAP

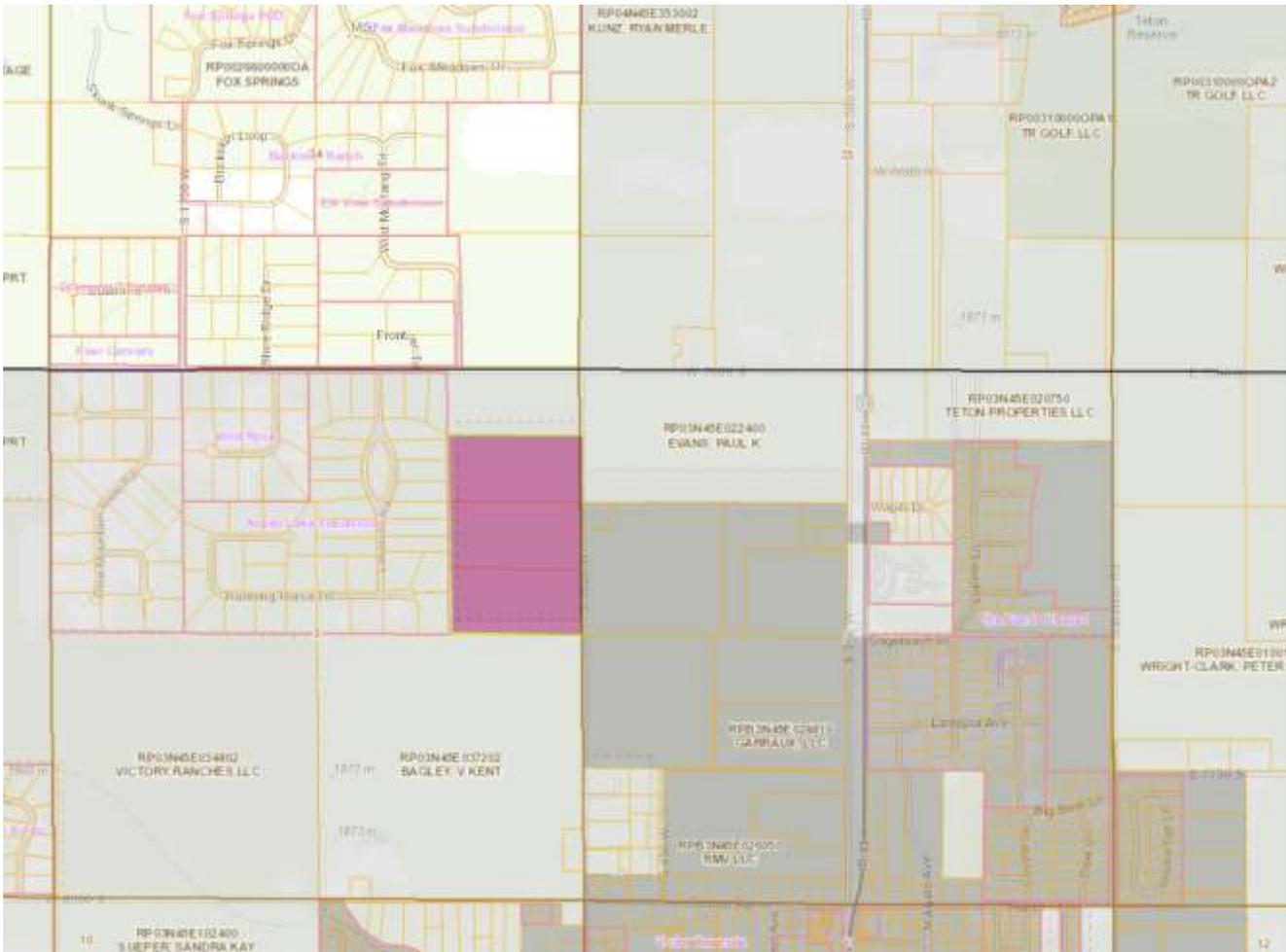


Figure 1: Purple lots are being de-annexed from the City of Victor.

BACKGROUND INFORMATION

The City of Victor de-annexed three tracts in the City Boundary. These three tracts were zoned R1, City of Victor Zoning. No development ever happened on these parcels while in the city limits. To reduce potential maintenance costs if these parcels were ever to be developed, and “clean up” the Victor City boundary and provide a more orderly pattern of growth, Victor has de-annexed these properties.

Once removed from the jurisdiction of the City, these parcels became part of the County jurisdiction. It is logical to add them to the Area of Impact. To be consistent with surrounding areas, staff recommends assigning A-2.5 zoning to the parcels. This area would then be adjudicated by the County Comprehensive Plan and County Zoning Ordinances, but is subject to review by the City of Victor for road standards and design standards per the Area of Impact Agreement with Victor.

There are no text amendments to this application. The changes will occur on maps that are referenced by text in two places: the Area of Impact Agreement with Victor (Title 7-3-2), and the Teton County Zoning Map (Title 8-3-1).

STAFF ANALYSIS

CONSISTENCY WITH THE APPLICABLE POLICIES OF 2012-2030 TETON COUNTY COMPREHENSIVE PLAN

1. Framework Map. A-2.5 is the zoning district that most meets the desired future land use in this area as articulated in the Comprehensive Plan. Per Teton County Title 7-3-3, the Teton County Comprehensive Plan governs in the Area of Impact for Victor.

The Teton County Comprehensive Plan framework map identifies the areas surrounding the subject properties as “Town Neighborhood.” Per the 2012-2030 Comprehensive Plan, “*Town Neighborhoods are located within the area of impact, immediately adjacent to the cities of Victor, Driggs and Teton. These areas are in close proximity to electric, phone and other dry utilities as well as public water and sewer services; although that does not imply that these services would be available as a public utility. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. The intent of this plan is to encourage growth in existing population centers such as our cities; residential uses near the cities would be more desirable than in the far reaches of the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. While the applicable land use plan for the Areas of Impact must be negotiated with each city, the desired future character and land uses for Town Neighborhoods include:*

- *Single-family, detached housing in low densities consistent with non-municipal services*
- *Parks, greenways, and neighborhood amenities*
- *Safe and convenient street and pathway connections to towns*
- *Pedestrian amenities and complete streets.”*

2. A-2.5 Rural Residential Zoning. By state statute, all zoning must comply with the Comprehensive Plan. The Plan supports infill development in the Cities and more rural development outside of the cities. The de-annexed properties are far enough outside of the core of Victor (>1 mile from the light in Victor to the near edge of the property), that more dense, R1 development is not appropriate for the area until the city itself gains residents. Per the City of Victor development code (Chapter 9), the minimum lot size in this zone is 16,000 square feet with 10-foot side yard setbacks and 25-foot front and back yard setbacks. These regulations allow for a more urban type of development than what is appropriate in the area at this time. A-2.5 zoning requires larger lots and larger setbacks providing a more rural setting for residential development in the area.

3. Finances. The County will incur maintenance costs of any roads within the area of impact unless otherwise agreed upon, per the Area of Impact Agreement with Victor. The west half of 1000 W will fall under County jurisdiction and additional cost of maintenance may be incurred as a result of the de-annexation. The County and City need to update the maintenance agreement on the roads they are both responsible for.

The proposed amendment is consistent with this goals and policies articulated in the Comprehensive Plan. It is important to note that the question of de-annexation is not up for debate, but rather, what zone to assign the newly-de-annexed land.

CONSISTENCY WITH THE APPLICABLE TETON COUNTY ZONING CODE

Teton County Title 8, the Zoning Ordinance, requires a zoning map that determines the boundaries of all zoning districts (8-3-1). Title 8 also states that, “all land in the county shall be designated within one of the ... base zoning districts” (8-3-5). This amendment will add land within the County’s jurisdiction to a base zone that otherwise is not assigned.

CONSISTENCY WITH THE APPLICABLE STATE OF IDAHO CODE

Idaho 67-6511 Subdivision Ordinance, requires all communities to adopt a zoning map with one or more zones. Standards are to be established that regulate land within each zone. All standards shall be uniform throughout each district. This amendment will apply a zone to an area that is void of zoning after it was removed from the City Boundary.

AGENCY & DEPARTMENTAL TECHNICAL COMMENTS

The City of Victor is in agreement of this proposal and will put the amendment to the Area of Impact Map, Exhibit A, in front of their elected officials after the County hears the application.

Comments from Darryl Johnson, Public Work Director:

Road Maintenance:

- These sections of road are not on the ITD pay map for Teton County, therefore Teton County will not receive maintenance funds for these sections of roads in the 2015 fiscal year. These sections will be added to the pay map during the next revision period.
- The county will need to assume maintenance, including plowing, for these sections of road.
- This will affect the land value of Victor and the County and may change future levy percentages.

Solid Waste:

- The assessor will need to evaluate the affected properties for any changes to the solid waste user fees.

PUBLIC NOTICE:

1. Legal ads were made to the Teton Valley News in accordance with local and state requirements.
2. A development notification was mailed to landowners within 300 feet and to those who own land within subdivisions within 300 feet of the subject property.
3. A development notice was posted onsite in accordance with all code requirements.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC

Mr. Terry Dimattio (a neighboring property owner to the west) testified at the PZC public hearing. He inquired what a-2.5 zoning meant, and was comfortable with the decrease in density.

PROPOSED MOTION:

Having found that the proposed zone change is consistent with the Teton County Comprehensive Plan, Teton County Zoning Ordinances and the Victor Area of Impact Agreement, and having found that a public hearing was properly noticed and conducted according to Idaho State Statute, I move to approve the proposed amendment that would assign the A-2.5 zoning district to the newly de-annexed parcels and add them to the Victor Area of Impact as presented in the application materials [with the following changes].