



## **STAFF REPORT**

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

Prepared April 19 for the May 16, 2013  
Board of County Commissioners Public Hearing

**OWNER:** David Woolstenhulme & the Lisa Beth Hansen Trust

**APPLICANT:** Teton County Planning Department

**REQUESTS:** The City of Victor has de-annexed four parcels from the City Boundary. The planning staff is proposing to add these parcels to the Victor Area of Impact and re-zone them in 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.

**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:** West half of the NW  $\frac{1}{4}$  of Section 15, Township 3 North, Range 45 East  
Property numbers: RPB3N45E153000, RPB3N45E153801, RPB3N45E153802, & RPB3N45E153600

**LOCATION:** Southwest Victor; South and adjacent to HWY 31 across from the Victor Vet Clinic. The proposed parcels would be removed from the Victor City Boundary and added to the Area of Impact, in County jurisdiction.

**PROPERTY SIZE:** Approximately 80 acres.

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

### **PLANNING STAFF RECOMMENDATIONS:**

Staff recommends that the Board of County Commissioners approve the proposed zone change and code amendment. The proposed amendment “cleans up” the zoning after a de-annexation action by the City of Victor and makes all boundary and zoning maps consistent.

## VICINITY MAP



**Figure 1: Purple outlines lots that have been de-annexed from the City of Victor.  
Blue dotted line is Victor City Boundary.**

### **BACKGROUND INFORMATION**

The City of Victor has de-annexed four parcels in the City Boundary. These four parcels are, at present, zoned R1- City of Victor Zoning. The parcels were originally annexed into the City in 2007 for a subdivision application on the southern part of the property. The northern parcel was needed as part of the annexation to allow the southern parcels to be contiguous to the City boundary. The subdivision was never recorded for the southern parcels. 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 Urban Growth Boundary that is part of 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.

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 Tetonia. 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. 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 (>1.5 miles 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. South 2000 West will fall under County jurisdiction and additional cost of maintenance will be incurred as a result of the de-annexation (see letter from Jay Mazalewski, County Engineer). The question before the Board, however, is the proposed zoning of these parcels, not the de-annexation. When development does occur on the parcels, the impact to the roads will increase causing higher maintenance costs. However, until there is development on the pieces of property, the maintenance costs will be consistent with what they are now.

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 Jay Mazalewski, County Engineer:**

##### S2000W & W9500S Road Maintenance:

- These sections of road are not on the 2013 ITD Pay Map, therefore we will receive no funds in 2013 for these sections of road.
- The county will need to grade/maintain these sections, unfortunately we just rebuilt the southern section of S2000W and did not rebuild the north section.
- The county will need to plow these sections, we currently plow S2000W, but trade it for plowing another section.
- The southern portion of S2000W receives dust abatement and this section will also qualify for dust abatement, reducing the available mileage for dust abatement elsewhere.
- 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**

No comments have been received at the time of this reports writing.

**PLANNING & ZONING ACTION:** The Teton County Planning & Zoning Commission voted unanimously to recommend approval of the proposed amendments after little deliberation.

### **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].