Proposed Amendment to the Comprehensive Plan - Preferred Land Use Map

Staff Report – PZC Public Hearing May 12, 2026
To consider Corner Fox IR land use area

APPLICATION INFORMATION

APPLICANT & OWNER: Corner Fox, LLC / On Time Financial LLC
AGENT: Perspective Planning and Consulting, LLC

REQUEST: Amend Teton County Comprehensive Plan to change an area from Rural Neighborhood to an Industrial Research Land Use designation on the Comprehensive Plan preferred land use map (found in Chapter 5 pg. 5-2).

APPLICABLE COUNTY AND STATE CODE: The Comprehensive Plan and LDC Amendments. 4-4 Comprehensive Plan and LDC Amendments, (Effective December 4, 2024, as amended); Idaho Code § 67-6511, § 67-6511A, and § 67-6509, and the Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

SUMMARY: (From applicant's narrative)

These applications are for a 28.25 acre area comprised of five properties located mid-way between Victor and Driggs, approximately 3.5 miles north of Victor, ID along Hwy 33 (the "subject properties").

Three of the properties are located within the Fox Creek Village PUD approved in 1996. The remaining properties are two Corner Fox Lots not previously subdivided. For ease of reference throughout this application, the properties will be referred to as either the "Corner Fox Lots" or "Fox Creek Lots" as shown in Figure 1.

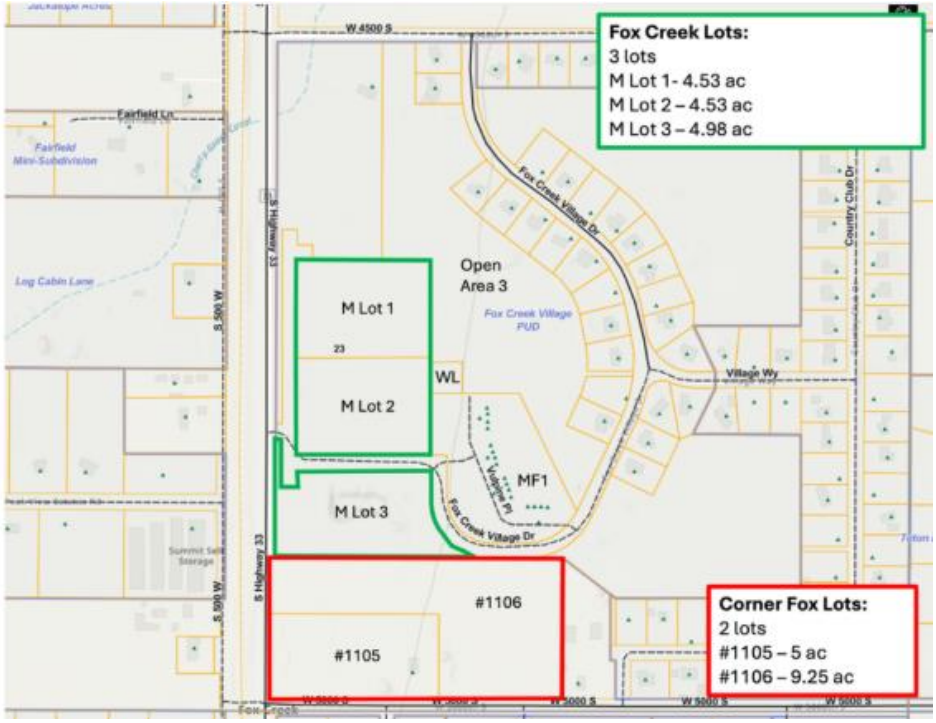


Figure 1: Subject Properties

All properties are currently zoned RN-5. Prior to the county-wide comprehensive zoning update in 2022, the Fox Creek Lots were zoned M-1 and the Corner Fox Lots were zoned A/RR-2.5. Figure 2 outlines the pre-2022 zoning map.

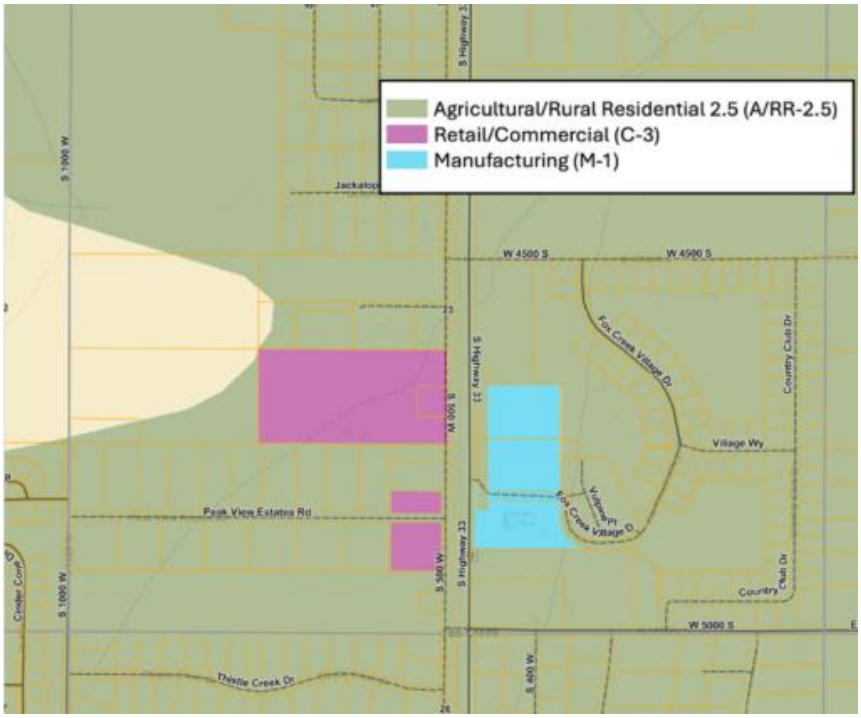


Figure 2: Pre-2022 Zoning

This application package includes two requests:
- A comprehensive plan amendment to change the Comprehensive Plan Framework designation of all subject properties from “Mixed Agricultural/Rural Neighborhood” to “Industrial/Research” (map in Attachment A), and
- A zoning amendment to change the zoning district designation of the Corner Fox Lots from RN-5 to IR with restrictions on height and uses (map in Attachment B)

As further illustrated below, there are a multitude of reasons why these requests should be supported, first and foremost they assist in meeting the needs of Teton County and the vision of the comprehensive plan as it relates to transportation, economic development, housing, and rural character. Secondarily, it addresses conflicting land uses not evaluated at a detailed level during the creation of the comprehensive plan framework and subsequent zoning update.

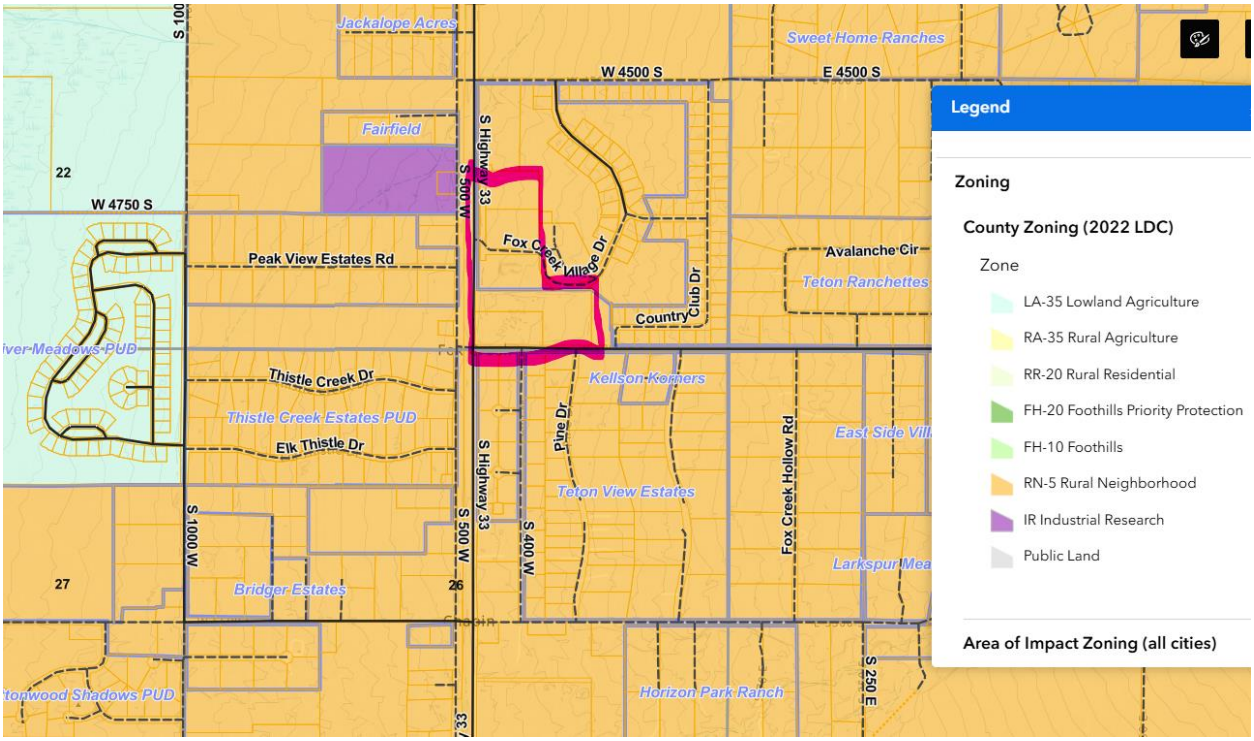


Figure 3. Current Zoning with subject parcels highlighted, for zoning context.

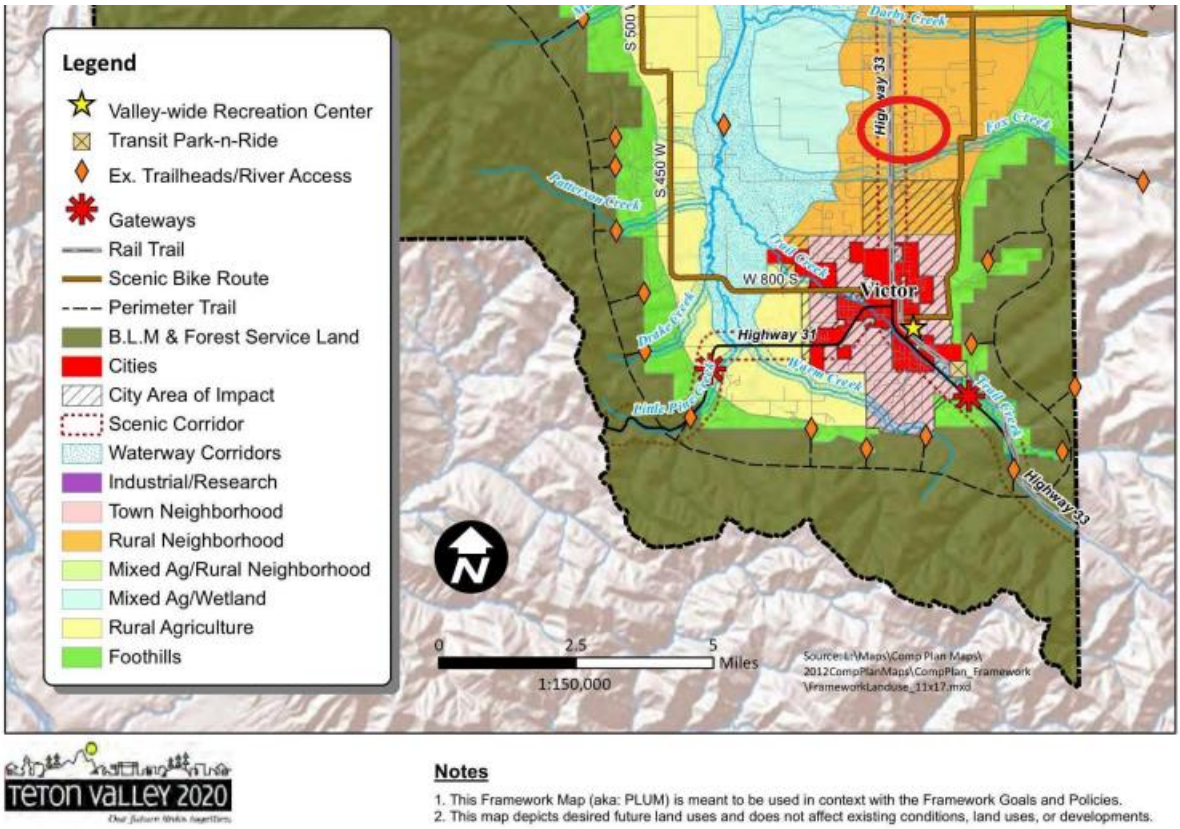


FIGURE 4. PREFERRED LAND USE MAP (AKA FRAMEWORK MAP), CIRCLE INDICATES APPROXIMATE LOCATION OF PROPOSED AMENDMENT

REVIEW PROCESS:

Procedures for amendment to the Comprehensive Plan or Land Development Code are established in Teton County LDC 4-4, but are also subject to requirements of Idaho Code sections related to zoning ordinances and comprehensive plans. Idaho Code § 67-6509 specifically allows:

(4) Any person may petition the commission or, in absence of a commission, the governing board for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

This privately initiated comprehensive plan/code amendment began with a pre-application conference held via Zoom on DATE. Under county code, an amendment to the Land Development Code or Comprehensive Plan requires a review and recommendation by the Planning and Zoning Commission (PZC) following a public hearing and a subsequent review and decision by the Board of County Commissioners (BoCC), with discretion to hold their own public hearing in state code, though the LDC Table 4 shows a public hearing with the BoCC as required.

The Local Land Use Planning Act (LLUPA) within Idaho Code also has important relevance in the consideration of these requests. Section 67-6511 requires that:

67-6511. Zoning ordinance. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

And, if a proposal is not found to be consistent that the comprehensive plan, it shall first be amended.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

Upon review of the request, the Planning Administrator made preliminary findings that the proposal is not strictly consistent with the representation of land use character areas on the current Preferred Land Use Map. Given the above referenced language in state code, and after discussion with other jurisdictions regarding procedures, the Planning Administrator has separated the review procedure into two steps with the initial review of the request for a comprehensive plan amendment being considered initially and potentially a subsequent rezone being consider following this. It should be noted at this time, that there are also provisions for conditional rezone development agreements that could be utilized at later review steps to provide the County greater certainty as to the timing and intended land uses that would be allowed if a rezone were granted. It should also be noted that following granting a rezone the county is bound to maintain that zoning for a minimum of four years unless written consent from the land owner is obtained to change the zoning.

STAFF ANANLYSIS OF SPECIFIC CODE CRITERIA:
Per §4-4 of the LDC Comprehensive Plan & LDC Amendments, includes the following criteria for consideration. The applicant has submitted narrative addressing each of the eight criteria for consideration (beginning on Page seven of their narrative). This is not duplicated in this report though it may be referenced in the following staff analysis of the criteria.

Staff assumes the intent of this section was to include both Comprehensive Plan ***or LDC*** amendments for each review criterion, as they are combined in the section heading.
The recommendations of the PZC and the final decision of the BoCC on an application to amend the comprehensive plan (or LDC) will be based on the following criteria:

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

Planning staff do not believe that the proposal is an attempt to correct an error, at least in relation to the comprehensive plans preferred land use map. As presented above, the current zoning appears to be consistent with the comprehensive plan preferred land use map. There has been a historic recognition of commercial or manufacturing designations on plats in the area of this proposal, but as shown on the figures above most, of this was not continued when the County underwent a countywide zoning update that was largely consistent with and driven by the preferred land use map. Staff believes the county has broad authority to make zoning decisions and designate what it feels to be appropriate zoning but that it needs to generally be consistent with goals policies and designations on maps in the comprehensive plan.

The applicant's narrative describes in detail how they believe that the proposal does respond to meeting a challenge in the county related to a small overall percentage of land designated for industrial or heavy commercial uses and challenges they believe result from this tied to the broader economy of the county. It cites real estate trends and facts. Staff has not done comparable analysis independently, but would concur that the total area of zoning for heavy commercial uses is relatively small in the county. More recently a couple of applications have been received to consider rezoning to Industrial Research zoning in areas that are and are not clearly designated for this zoning in the comprehensive plan.

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: This criterion is not applicable to the proposal. No change in state law necessitates this change and no recent court decision has been made on these properties to staff's knowledge.

c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law. Staff comment: As the request for the change is coming from a private individual and the county is considering the change, it seems unlikely that there could be a regulatory taking challenge made by the applicant. Other potentially affected landowners in the vicinity may believe that the proposal could impact their property to the extent it would constitute a regulatory taking, but provisions exist both in this process, and through a reconsideration request, to address those concerns from either the applicant or other land owners in the public hearing process.

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: This criterion may be difficult to determine definitively. The proposal would clearly benefit the current property owners by providing a clear path for pursuing a rezone application they are seeking on a specific property; however, the owner/applicants argue that there is a broader community benefit in approving the proposal, which if true could demonstrate the benefit is not "solely" to the landowner. Planning staff believes that the details of the proposal as well as comments from potentially affected adjacent landowners need to be evaluated and weighed to make conclusions related to this criterion. **Commissioners should discuss following holding a hearing**.

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:

The Current LDC does not include substantial language related to goals and policies though it does include a statement in the initial chapter related to the intent of the code.

Chapter 1-1 B. 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.

This language essentially directs back the Plan to establish those goals and policies. In general, Teton County's Comprehensive Plan supports economic development in appropriate areas of the county and to compliment economic activities not easily incorporated into the cities, while most retail commercial activity is directed to the cities. . The table below provides additional analysis of some specific goals and policies relevant to the proposed amendment.

Comprehensive Plan Goals and Policies	**Proposed Amendments Compliance**
Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, **promotes, and supports locally- owned businesses** and creates a hospitable and attractive environment for businesses and tourists. Policy 1.3. Encourage and support local commerce. Policy 1.6. Encourage and pursue economic diversity, innovation, and creativity to keep our economy stable. Policy 1.7. *Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience* ***and boost economic development***.	The proposed amendment will expand the area available for primary commercial/industrial uses which could positively affect economic development and commerce activities in the county.

Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources. Policy 3.1. ***Encourage economic development*** *through the promotion of recreational opportunities and natural resources*.	The amendment will encourage economic Development but will not necessarily be directly oriented to recreation and natural resources.
Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage, and distinctive identity. Policy 1.1. Ensure that planned growth maintains Teton Valley's rural character.	The amendment should take into consideration Maintaining visual resources. The application describes mitigations that may accomplish this.

The applicant's narrative included a discussion of how they believe the change is consistent with the comprehensive plan. They note that industrial uses are contemplated in a required analysis of land uses in the comprehensive plan. Staff believes decisions as to how much or where industrials uses are appropriate are conferred to local jurisdictions and the required analysis does not guarantee any specific outcome or conclusion. The comprehensive plan accomplishes this. Having said that there are a number of policies as discussed which are related to and provide direction on fostering economic development and commercial industrial activity and land use.

f. The comprehensive plan amendment substantially conforms to the stated purpose and the intent of the LDC. Staff comment: The LDC has limited language related to intent, including that found in 1-1 (B). It describes guiding residential and non-residential growth to protect, promote, and improve public health, safety, and overall welfare. Planning staff believes that this use does have the potential to directly or indirectly affect health, safety, and welfare concerns as it is near or adjacent to residential uses and this should be considered in deliberation. Several public comments have been received expressing some concerns to the proposed change. **Commissioners should discuss**

g. The comprehensive plan amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, storm water management, wildlife, scenic corridor views, and vegetation. Staff comment: The proposed Comprehensive plan amendment would affect properties that are outside of most overlay areas of the county. The one exception is the scenic corridor which covers the bulk of the Fox Creek Village lots and the front half of the others. The applicants acknowledge that in their narrative but also argue that other natural resource overlays are absent, and in other the proximity to the highway provides

for ideal access for this type of land use in other sections. The proposal includes a number of proposed mitigations to address the scenic corridor which would likely be implemented in a subsequent discussion on rezoning and established within a development agreement. Comment letters note concerns with impacts such as noise, water consumption, and visual impacts. Many of these focus more on the northern properties within the PUD.

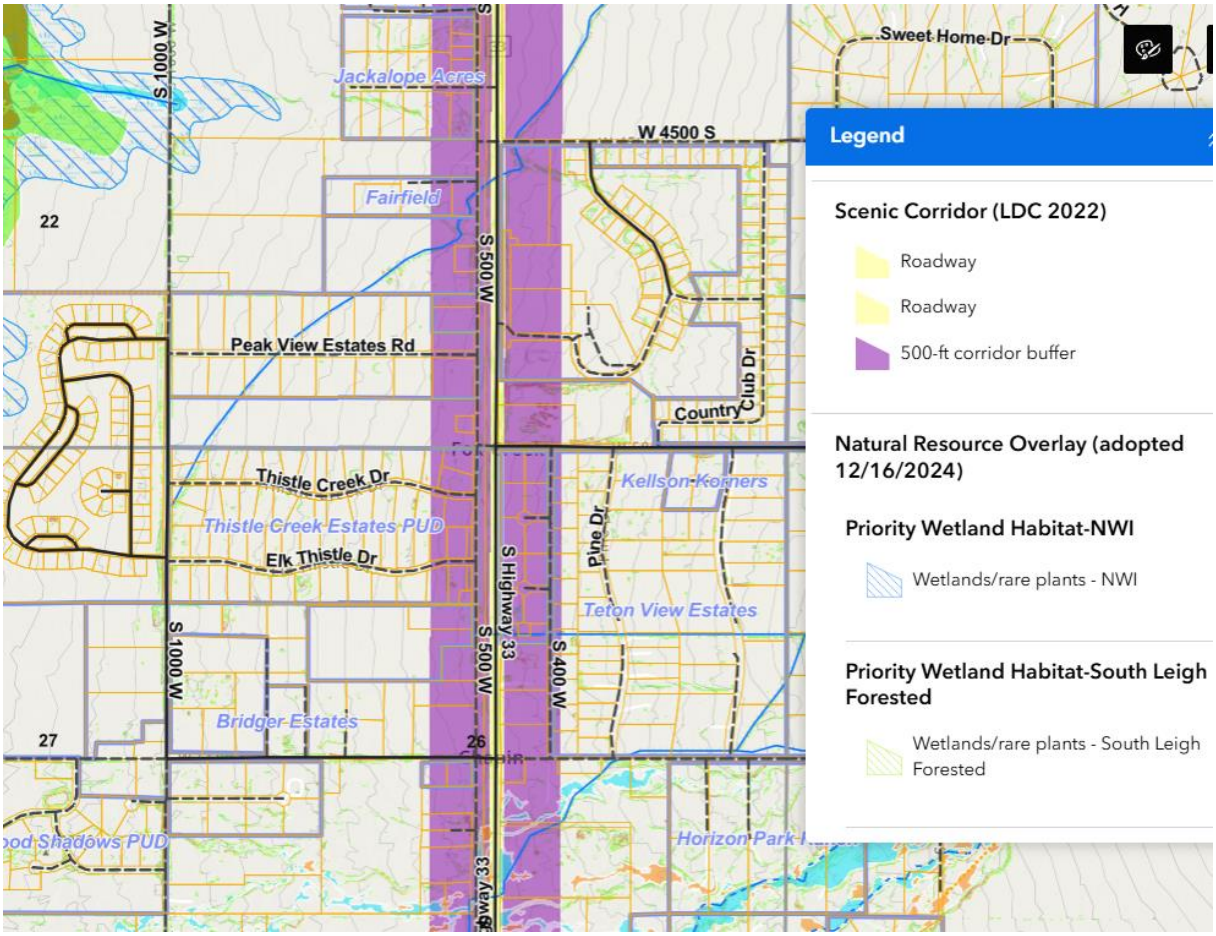


Figure 5. Natural resource overlays in proximity to the subject parcels, limited to scenic corridor.

h. The comprehensive plan amendment will not have a demonstrable adverse impact on existing conforming development patterns, standards, or zoning regulations. Staff comment: This may be one of the most difficult criterion to determine. As noted in the application, the Fox Creek Village PUD lots depict specific uses on the site, which any purchasers within the subdivision could be made aware of. Whether this amendment would likely result in land uses that would have more or less impact on the existing development in the vicinity are hard to calculate, but is a very important consideration with the request. The language is quite clear that the change will not have demonstrable impact on the existing development and the burden of demonstrating this rest with the applicant. The narrative states
"The applicant proposes to limit the type of permitted uses to light industrial uses with minimal noise disturbances, and many of the uses are centralized indoors with little activity outside."
Commissioners should discuss

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: Staff received very little response from public service providers. EIPH noted they had no concerns with the proposal. No direct impacts are expected specifically to the school district. The application narrative discusses their position on this criterion outlining specific services in the county.

Noticing Requirements:

This application has been noticed per Idaho Code section 67-6509, and LDC 4-2D as applicable (generally no site-specific notices are required for a county-wide LDC proposal, however the proposal is limited to a discreet site therefore noticing was provided to adjacent property owners following guidance provided by the PZC, to neighboring properties within 600' of the proposed change on April 20, 2026). The application was duly noticed in the Teton Valley News on April 22, and April 29, 2026. A notice was also posted on the property providing information about the public hearing on May 4, 2026. Agency emails were sent on January 16th, 2026.

Public Comment:
Staff have received several written public comments at the time of this report, which focus on a similar theme of concerns related to noise, visual impacts, and water use.

STAFF RECOMMENDATIONS:

Planning Staff would recommend that several of the review criterion seem to be addressed well or may not be applicable to this proposal. Other criterion are difficult to determine without additional information on specific uses or may not be appropriately deliberated on until after a public hearing is concluded. There is a clear statutory provision for the Commission to take up the question and provide a recommendation to the Board despite some lack of clarity related to procedure between the State Code and County Code, nevertheless staff believes this procedure meets the intent of both bodies of code.

PZC Actions:

1. Recommend approval of the amendments as proposed.
2. Recommend approval of the amendments with conditions of approval or modifications to the proposal including those recommended by the PZC.
3. Recommend denial of the amendment.
4. Continue or Table the application for additional information.

Motions:

APPROVAL

Having concluded that the Criteria for Approval of a Comprehensive Plan Amendment found in LDC (LDC 4-4.F.) *can be satisfied (with the inclusion of the following conditions of approval or modifications to the proposal):*

- *I move to recommend APPROVAL the Concept Plan for the Comprehensive Plan Amendment as described in the application materials.*

DENIAL

Having concluded that the Criteria for Approval of a Comprehensive Plan Amendment found in LDC (LDC 4-4.F.) *have not been satisfied:*

- *I move to recommend DENIAL of the Comprehensive Plan Amendment as described in the application materials.*

CONTINUATION

- *I move to continue the public hearing for the Corner Fox LLC Comprehensive Plan Amendment to a specific date and time in order to obtain additional information from the applicant or reviewing agencies.*

Attachments:

A. LDC/Comp Plan Amendment Application and Narrative
B. Letter of authorization
C. Public Comments (7)
D. EIPH comment email