Planning & Zoning Department

Comprehensive Plan/Land Development Code Amendments Form

Applies to legislative actions to adopt, revise, or repeal any or all sections of the *comprehensive plan* or LDC, including large –scale revisions to the *official* zoning map. The BoCC, the PZC, or the Administrator may initiate an application for *comprehensive plan* and LDC amendments. In addition, any affected person, as outlined in Idaho Code section 67-6509(d), also may initiate a request for amendment to the plan or LDC. Other requirements can be found in LDC 4-4.

For Office Use Only

Fees Paid

☐ Check # _____ ☐ Credit Card ☐ Cash _____ Date Recieved: _____

Fees are non-refundable.

Requirement for Submittal: Ensure all requirements are included. *Incomplete applications will not be put on hold.* Incomplete and partial applications will be returned to applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Applicant Info:

Applicant Name: CORNER FOX, LLC

Address: PO BOX 1669, VICTOR ID Zip code: 83455

Phone: (208) 709-6377

Email: aaron@powersofexcavating.com

Representative

Brad Cramer
Perspective Planning
208-589-0020
brad@perspective-planning.com

Proposed amendment:

☒ Comprehensive Plan

☐ LDC

Brief Description of amendment: Plan designation change from Rural Neighborhood to Industrial/Research

150 Courthouse Drive | Driggs, Idaho 83422 | T: 208-354-2593 | tetoncountyidaho.gov

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and for it to be reviewed.

Applicant Signature:_____Date: _____

Application Checklist All items need digital copies as well as paper copies.

- ☐ A written description and explanation of the proposed amendment;
- ☐ The revisions proposed to the rest of the comprehensive plan or LDC; showing changes in relation to the current text; If applicable, proposed map revisions;
- ☐ Written explanation of how the proposed amendment is in accordance with policies of the comprehensive plan and how it meets the review critera.

SECTION II: REVIEW CRITERIA

The recommendations of the PZC and the final decision of the BOCC on an application to amend the comprehensive plan and LDC, will be based on the following criteria:

- The comprehensive plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
- The comprehensive plan amendment is in response to change in state law, as established through amendments to the Idaho Statutes or by court decision.
- 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.
- The proposed change is consistent with policies of the comprehensive plan, the requirements of the Idaho State Planning Act, and state and federally mandated uses.
- The comprehensive plan amendment substantially conforms to the states purpose and the intent of the LDC.
- 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.
- The comprehensive plan amendment will not have a demonstrable adverse impact on the existing conforming development patterns, standards or zoning regulations.
- The comprehensive plan amendment will not have demonstrable adverse impact on the delivery by any jurisdiction or agency providing public services in the County, including school districts.

Planning & Zoning Department

Zone Change Application

Site-specific Zoning Map Amendments require two public hearings – one before the PZC and one before the BoCC. Review criteria is found in LDC section 4-5-F.

For Office Use Only

Fees Paid

☐ Check # _____ ☐ Credit Card ☐ Cash _____

Fees are non-refundable.

Requirement for Submittal: Ensure all requirements are included. *Incomplete applications will not be put on hold*. Incomplete and partial applications will be returned to applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner Info

Owner Name: CORNER FOX, LLC.

Address: PO BOX 669, VICTOR ID Zip code: 83455

Project Location

Name of Applicant (if different than owner): AARON POWERS Phone: ( ) _____

Project Address (if different than owner address): TAX # 1105 & # 11106 (NO ADDRESS) Zip code: _____

Email: aaron@powersotexcavating.com Zoning District: RN-5

Primary Contact (if not applicant): BRAD CRAMER – PERSPECTIVE PLANNING

Email: brad@perspective-planning.com Phone: (208) 589-0020

Designated Primary Contact ☐ Owner ☒ Agent/Representative

Project Info

RP#: 04N45E238000 & 04N45E238400

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and reviewed by the Planning Administrator and scheduled for public hearing.

Applicant Signature:_____Date: _____

I, the undersigned, am the owner of the referenced property and do hereby give my permission to to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property to find it to be correct.

Owner Signature:_____Date: _____

Checklist

All items need digital copies as well as paper copies.

- ☐ Complete application and fee.
- ☐ Site Plan
- ☐ Vicinity Map and map showing the revisions of the current official zoning map
- ☐ A written statement / narrative demonstrating how the zone change request meets the review criteria below and other requirements of law (LDC 4-5-F).
- ☐ Other studies and documents as requested to ensure review criteria are met.

SECTION II: CONSIDERATION FOR APPROVAL

- ☐ The Zoning Map amendment is not in conflict with the comprehensive plan.
- ☐ The Zoning Map amendment substantially conforms to the stated purpose and intent of the
- ☐ LDC.
- ☐ The Zoning Map amendment will reinforce the existing or planned character of the area.
- ☐ The Zoning Map amendment will not have a demonstrable adverse impact upon public service delivery by any jurisdiction or agency providing services in the County, including school districts.
- ☐ The subject property is appropriate for development allowed in the proposed Zoning District, including, if the application relates to a public-school facility, the impacts authorized for review under Idaho Code section 67-6519(3)
- ☐ There are substantial reasons why the property cannot be used according to the existing zoning.
- ☐ The map amendment does not have the effect of creating a regulatory taking under federal or state law, including, a applicable Idaho Code section 67-8001, et seq.
- ☐ The County and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.
- ☐ The Zoning Map amendment will not have a demonstrable adverse impact upon the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
- ☐ The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.
- ☐ The proposed change is consistent with the requirements of the Planning Act, including but not limited to matters related to manufactured housing, group housing, certain animal operations, sexually-oriented business, and use of surface and groundwater

SECTION III: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is submitted on the _____ day of _____ , 20___.

Application is deemed complete and accepted on the _____ day of _____ , 20___.

APPLICATION NARRATIVE – TETON COUNTY, ID LIGHT INDUSTRIAL

I. PROJECT INTRODUCTION

These applications are for a 14.25 acre area comprised of two properties located mid-way between Victor and Driggs, approximately 3.5 miles north of Victor, ID along Hwy 33 (the "subject properties"). The properties are on the east side of the highway at the northeast corner of Hwy 33 and W 5000 S. See Figure 1 below for a map of the properties and acreages included in this application request.

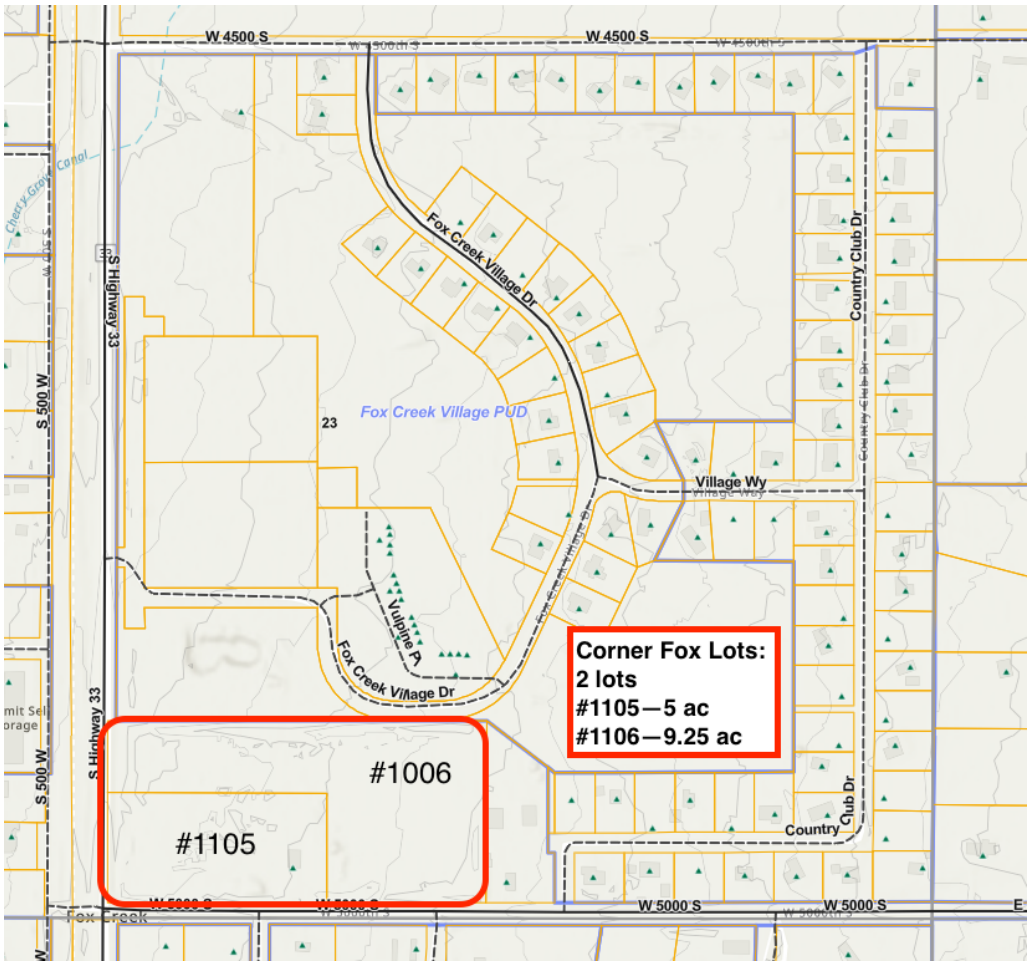


Figure 1: Subject Properties

The properties are two Corner Fox Lots not previously subdivided. For ease of reference throughout this application, the properties will be referred to as the "Corner Fox Lots" as shown in Figure 1.

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

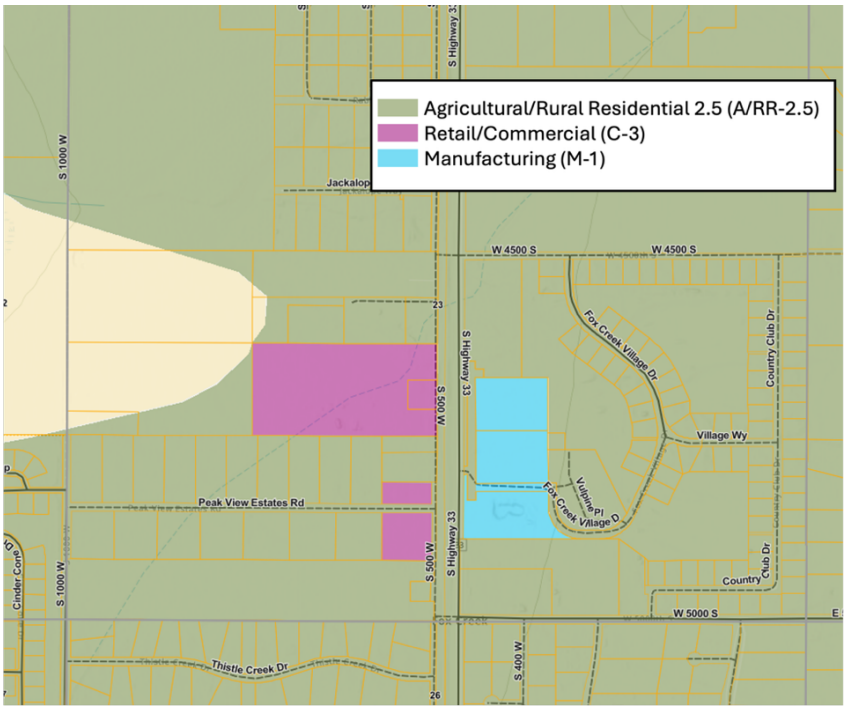


Figure 2: Pre-2022 Zoning

As shown in Figure 2, the parcels to the north in Fox Creek were previously zoned M-1 and the approved PUD for the Fox Creek Lots restricted the type of light industrial uses depending on the lot. See Figure 3 for the permitted uses on the Fox Creek Lots. This is an indicator that industrial uses have not only been contemplated in this area, but are still approved, in at least a limited fashion.

LIGHT INDUSTRIAL LOTS NOTES "M"

LOT	UNIT TYPES	#U	SQ FT
LOT 1	STORAGE UNITS	41	12,000
	COVERED RENTAL UNITS	32	16,000
	LIGHT INDUSTRIAL UNITS	15	28,000
LOT 2	STORAGE UNITS	41	12,000
	COVERED RENTAL UNITS	32	16,000
	LIGHT INDUSTRIAL UNITS	15	28,000
LOT 3	WAREHOUSE	1	40,000
	STORAGE UNITS	82	24,000
	COVERED RENTAL UNITS	17	10,000
TOTALS:		276	186,000

4.27 ACRES OF LAND COVERED
13.78 ACRES TOTAL LAND

THE FOLLOWING USES WILL NOT BE ALLOWED ON INDUSTRIAL "M" LOTS:

1) RETAIL STORES
2) STORAGE OF FLAMMABLE LIQUIDS IN BULK
3) BATCH PLANTS

ALL USES ON INDUSTRIAL "M" LOTS WILL REQUIRE A CONDITIONAL USE PERMIT

Figure 3: Fox Creek PUD Industrial Uses

The surrounding land uses are a mix of residential with varying lot sizes, undeveloped but subdivided residential, agricultural, and light industrial uses. See Figure 4 for an overview of land uses adjacent to the subject properties.

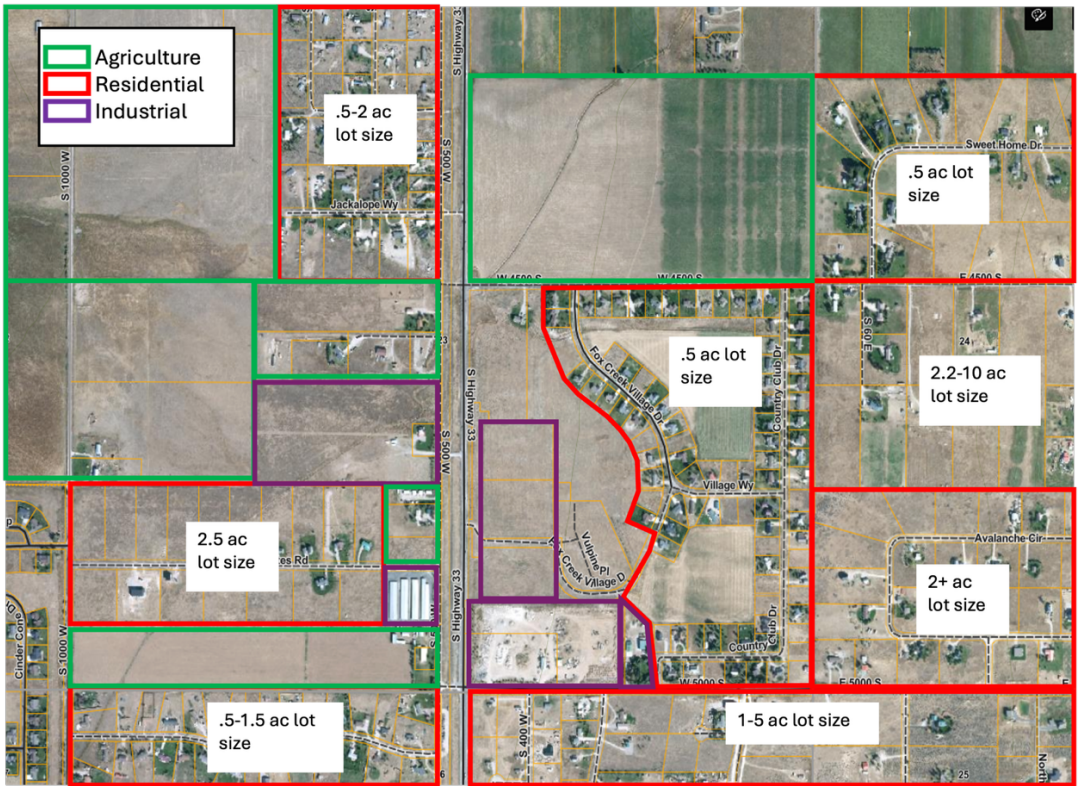


Figure 4: Surrounding Land Uses

The Corner Fox Lots are currently one of several locations for the property owner's excavation business including the storage of equipment and materials. Prior to the excavation company use, the property was owned by the Utah Idaho Sugar Company and was used as a heavy industrial use with limestone inventory storage and maintenance and of quarry equipment beginning in about 1930. The lots have direct access to W 5000 S which intersects with Hwy 33. Hwy 33 is designated as a minor arterial while W 5000 S is designated as a minor collector. Both classifications anticipate a higher level of traffic volume than the minor neighborhood designation. The intersection of Hwy 33 and W 5000 S includes north and southbound turn lanes in both the left and right turning motion. According to county records, both roads are plowed all winter.

Water service to the properties is anticipated to be private well. There is a private well located on the Corner Fox Lots. The owner anticipates application for connection to the municipal sewer trunk line that exists in Hwy 33 adjacent to the property. On-site septic systems is also an option for the properties.

II. APPLICATION REQUEST

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 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.

To further uphold the goals and policies of the comprehensive plan, the applicant is proposing to strike a balance between the current zoning of RN-5 and the proposed zoning of IR by:

- Limiting the height of future development to 35 feet (two stories)
- Placing a 45-foot landscape easement along Hwy 33
- Restricting the placement of any signage on Hwy 33 or the intersection of Hwy 33 and W 5000 S
- Prohibit direct access to Hwy 33
- Prohibit higher intensity uses allowed in the IR zone district (see Attachment C for the full list)

These mitigation measures minimize impact on neighbors and preserve the county’s rural character. The zone change request provides an opportunity for a thoughtful harmony of land uses, efficient use of utilities and services, limits further luxury residential development, and provides an opportunity for low impact commercial uses that support the local economy.

III. COMPREHENSIVE PLAN AMENDMENT CRITERIA

Criteria #1: The comprehensive plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact.

The application strives to address four main challenges the county has faced in the past few years:

- The overabundance of undeveloped platted lots in the area
- Cost of housing in Teton County
- The light industrial and manufacturing needs of the county
- Address nonconformities created by the plan and 2022 comprehensive rezone

Undeveloped Lots

According to the 2012 Comprehensive Plan, Teton County has large areas of agricultural land that have been subdivided into residential neighborhoods with partial or no infrastructure and no development, often referred to as "zombie subdivisions". As more specifically described in the plan,

"As a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The overabundance of undeveloped, platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market. There has been a decline of investment into the community and many storefronts lie empty. The County government is financially limited due to Idaho's tax cap and an abundance of entitled developments with no means for mitigating the fiscal impacts to the roads, schools, emergency services and weed management."

Although the "weak real estate market" described in the narrative above shifted dramatically during COVID when prices skyrocketed in the Teton Valley, there remains an overabundance of residential lots with and without infrastructure that will take decades to absorb. From 2020 to 2025, Teton County issued an average of 65 building permits for new single-family residences per year. Based on that average, it will take the market decades to absorb the 7,000+ residential lots.

Housing Costs

As is the case with other high-amenity communities throughout Idaho, cost of housing was an issue prior to COVID and remains a significant challenge today. Post COVID, residential sale prices peaked in late 2022 and early 2023, but have remained steady through 2025. End of year 2025 shows basically flat from 2024 into 2025 but the

market is still skewed by large luxury residential home sales, which this zoning designation perpetuates. According to year-end market reports for 2025, the average sales price for land was approximately $388,530 with the average sales price for residential at $1.2 million.

Under the current comprehensive plan designation, the subject properties would be developed with single-family residences each on a 1-acre or greater lot. This product profile is of a quiet, luxury ranchette on a secluded low traffic street as is the characteristic with many subdivisions surrounding the subject properties. As of the date of this application, there were a total of 75 vacant lots with a lot size between 1 and 5 acres. The average list price was $366,000 with an average days-on-market of 149. Finally, average cost of construction per square foot in Teton County in 2025 was estimated at just over $400. This data shows two key things, absorption for this product is slow even for already constructed homes, and the price point of this land or constructed homes is well out of reach of the county's workforce which had an average wage of $44,000 in 2022.

With such an abundance of residential lots in the county, and home/construction prices currently, the reversion of the subject properties to their historic and previously zoned uses provides an opportunity for more productive uses that contribute to the vibrancy and sustainability of the county's economy rather than land sitting vacant or developed as luxury single family homes that create more need for workforce housing.

Economic Development

Economic development of the region is an extremely important initiative for long term sustainability of the Teton Valley, and one that is arguably just a hard to achieve as affordable housing. Both the comprehensive plan and the subsequent 2024 Teton County Economic Plan clearly note the importance of natural resources and recreation to the county's economy but equally not the vulnerabilities created by sole reliance on industries supporting tourism. The plan emphasizes that diversification of industry is going to be important for long term sustainability during future downturns impacting recreational travel, winter sports, retail, and the construction industry. The 2024 plan notes that "Leisure and Hospitality is the largest employment sector in Teton County, however, development – construction and real estate – when combined, are the dominant employment sector."

As of 2024, only 0.28% of the county's land was zoned for industrial use, with agricultural, public lands, and residential zoning with the largest acreage allocation. According to the economic plan, commercial real estate inventory decreased by 47% in 2023 indicating a limited supply of available properties. The City of Driggs has some

industrial zoned properties located around the airport; however, the City of Victor has a limited amount of industrially zoned properties. Overall, the county will not be able to diversify its economy with non-Tourism, non-retail industries if there is no land available to accommodate those uses. The 2024 Economic Plan outlines four main goals with specific strategies to achieve the economic desires of the community including protection of natural resources, business support and development, physical asset development, and tourism. Designation of the subject properties as Industrial/Research meets those goals as the properties:

- Are not within environmentally sensitive areas and mitigations are in place to ensure preservation of the scenic corridor
- Do not exacerbate the affordable housing issues within the county
- Would allow for uses specifically identified in the plan, providing for diversified business options
- Generally, do not directly support tourism and recreation

The plan specifically states that the county should “Encourage the construction of appropriate commercial and industrial space” (pg 44) and “Identify and set goals for recruitment – focus on high value, high-wage sectors such as software, recreation technology, professional, scientific, low-impact manufacturing” (pg 47). As shown in Attachment C, the targeted industries outlined in the 2024 economic plan would be ideal for the subject properties and would be allowed under the Industrial/Research designation.

Finally, in addition to the clear need for these uses, there are many references in the comprehensive plan that imply the select and strategic placement of light industrial and manufacturing along the Hwy 33 corridor. The economic development map on page 4-4 notes that small scale manufacturing is contemplated along the Hwy 33 corridor and the transportation map on page 4-6 notes a possible “Transportation Hub” at a mid-point between Victor and Driggs along Hwy 33. The subject properties are approximately the midpoint between the two, approximately 3.4 miles from Victor and 5 miles from Driggs.

Nonconformities and Compatibility

The county conducted a comprehensive rezone of all county land in 2022 to align the zoning districts with the adopted 2012 Comprehensive Plan. Although well intentioned, the resulting zone districts created nonconforming commercial properties and various pockets of nonconforming residential lots in areas designated as Rural Neighborhood. The comprehensive plan describes “Mixed Agricultural/Rural Neighborhood” as “predominantly rangeland and

agriculture land and have high scenic qualities". The "Mixed Agriculture/Rural Neighborhood" description notes that low to medium density residential cluster development is one of, but not the primary desire future land use for the area.

The corresponding zone district applied to "Rural Neighborhood" was RN-5, which has a target density of one residential unit per 5 acres of land (.2 du/ac). However, it is of note that the minimum lot size in the zone district is 1 acre, resulting in a density of 1 du/ac. If the purpose of this zone district is to preserve agricultural land and range land, then permitting the subdivision of agriculture land into 1-acre residential parcels is not upholding the intent of the plan. According to the county's GIS data, there are a total of 4,455 parcels in the RN-5 zone district totaling just over 19,000 acres. 1,521 of those parcels (34%) are less than 1 acre and would be considered nonconforming residential lots. The average lot size of residential properties zoned RN-5 is 4.56 acres.

Although this application does not specifically address residential non-conformities, the information is provided as illustration that there is a wide array of land use patterns currently within the "Mixed Agricultural/Rural Neighborhood" designation and that a blanket application of one land use category, and subsequent zone district, to such a large area will likely create many nonconformities.

This also occurred with commercial zoned property, but to a lesser degree. As shown in Figure 2, the Fox Creek Lots to the north of the applicant's property were zoned M-1 and further restricted by the PUD approval prior to the Rural Neighborhood designation in the 2012 Comprehensive Plan. Directly across Hwy 33 from the subject properties, two properties at the corner of Peak View Estates Rd and Hwy 33 were previously zoned C-3 (warehouse/light manufacturing) and subsequently designated Rural Neighborhood. To the north, multiple properties across Hwy 33 from Settlers Place and Rocky Road Industrial Park were zoned C-2 (retail/wholesale commercial) and subsequently designated Rural Neighborhood. In contrast, Log Cabin Lane and Rocky Road Industrial Park retained their industrial zoning and Settler's Place was rezoned in 2025 to designate the uses. With the need for diversifying the economic base of the community, maintaining commercial and industrial designations of properties adjacent to established industrial and commercial uses, and utilizing existing infrastructure, would seem to align more closely to the county's goals than removing those designations entirely.

Criteria #2: The comprehensive plan amendment is in response to change in state law, as established through amendments to the Idaho Statutes or by court decision.

State statutes require that the comprehensive planning process take into account the implication of private property rights in the development of the plan, specifically Idaho Code states “Property Rights — An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.”

As noted above, the existing land uses on the property are industrial in nature. The designation of the properties as “Mixed Agricultural/Rural Neighborhood” have placed technical limitations on the properties through the creation of nonconforming. Despite having been an industrial property for nearly 100 years, the current comprehensive plan designation and the RN-5 zoning locks property in its existing use with no further improvements or changes or forces it to convert to residential.

Criteria #3: 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.

As described earlier under criteria #1, the Teton Valley will continue to need light industrial/manufacturing uses to support the growing needs of Driggs and Victor and potentially the needs of the Jackson, WY area. Therefore, the designation of this area as Industrial/Research is a benefit to the entire county. Additionally, based on real estate land values in the county, industrial zoned land is objectively less valuable than residentially zoned land. Currently, the average price per square foot of industrial land is $1.59, with the average price per square foot of residentially zoned land at $3.74. Not only is this request a benefit to the county, revision of this land use designation in the comprehensive plan reflects a reduction in monetary benefit to the landowners.

Criteria #4: The proposed change is consistent with policies of the comprehensive plan, the requirements of the Idaho State Planning Act, and state and federally mandated uses.

As discussed above under criteria #1, the proposed request is consistent with many of the 2012 comprehensive plan policies as it relates to residential lots, cost of housing, economic development, and nonconformities.

Additionally, Chapter 65 of the Idaho Code is the Idaho Local Land Use Planning Act (LLUPA) which stipulates the planning responsibilities of municipalities across the state. 67-6508 of that Idaho Code states that comprehensive plans "shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, and desirable future situations for each planning component." Additionally, it states that all comprehensive plans shall be based on a set of components including but not limited to consideration of private property rights, economic development, and land use. Each of these mandated components requires a detailed review of not only future desired uses, but also previous and existing conditions.

It does not appear that, in the instance of the subject properties, previous and existing conditions were properly evaluated. Naturally, a comprehensive planning process is a high-level strategic review of a large area where detailed property-by-property analysis is not always possible or conducted. As noted above, due to the vacant nature of the properties, the existing excavation uses of the Corner Fox Lots were likely overlooked. Combined with clear and direct access to Hwy 33, it is highly possible that a closer look at the properties would have warranted a different land use focus in the plan.

Industrial uses are considered a state mandated use. "Industry" uses are specifically called out in Sections 67-6508(d)-*Economic Development* and (e)-*Land Use* as necessary elements of a successful comprehensive plan.

Criteria #5: The comprehensive plan amendment substantially conforms to the stated purpose and the intent of the LDC.

Chapter 1-1 of the adopted Land Development Code (LDC) states that "The purpose and intent of the LDC per 1-1, 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 application demonstrates there are worthwhile considerations in redesignating land within the stated area as Industry/Research and in doing so, many of the goals and policies of the comprehensive plan are upheld. The purpose of the LDC is to guide development in accordance with the plan and existing and future needs. This acknowledges that over the course of a comprehensive plan's planning horizon, there may be changing conditions or trends worth considering. Finally, the criteria of a comprehensive plan amendment is explicitly structured to ensure that all potential health, safety, and welfare impacts are considered and addressed appropriately to improve the quality of life for residents.

As outlined in the criteria above and below, the comprehensive plan amendment addresses existing and future needs of the county as it relates to residential lots, cost of housing, and economic development. Additionally, the applicant is proposing a very narrowed set of allowed uses for the properties that is more restrictive than the corresponding zone district for the "Industry/Research" land use category which ensures compatibility with surrounding residential uses. Ultimately, if the application request is supported and the land designation is changed, the subsequent zone district regulations and procedures through the development process will ensure that any potential impacts to health, safety, and welfare are addressed.

Criteria #6: 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.

According to the county's records, the subject properties are not within any of the designated Natural Resource Overlay categories which include wetland habitats, avian and ungulate habitat areas, big game migration corridors, and major waterways with flood hazards. The Corner Fox Lots are mostly disturbed with minimal vegetation, however, there is an established tree row along Hwy 33 that varies in depth from 35-90 feet.

The subject properties are within the "Scenic Corridor" area of the comprehensive plan. As clearly articulated in the plan, the scenic corridor significantly contributes to the small and rural character of the county and "building, landscaping, and site design will need to meet high standards of visual quality". This application proposes to carry the existing 45-foot landscape and setback easement already platted to the north on the Fox Creek properties south along the Corner Fox boundary of Hwy 33 with prohibitions on access and signage in the landscape easement. These lots are accessed from W 5000 S., limiting the number and size of curb cuts along the highway at non-intersection locations ensures longer stretches of landscaping with no signage or formality.

This application also proposes to limit building heights on the properties to 35 feet with no more than two stories, which would facilitate a two-story structure with adequate floor to ceiling height on the ground floor for roll up doors necessary for many

light industrial uses. These combined restrictions ensure protection of the viewshed from the highway and maintains the feeling of driving down a country road, one of the main objectives of the scenic corridor.

Criteria #7: The comprehensive plan amendment will not have a demonstrable adverse impact on the existing conforming development patterns, standards or zoning regulations.

As noted above, there are conforming and non-conforming development patterns in the vicinity of the subject properties. As shown in Figure 4, the surrounding land uses of the subject properties include residential subdivisions with lot sizes ranging from .5 to 10 acres, large agricultural parcels, and industrial uses. The agricultural uses are conforming and residential lots greater than 1 acre in size are conforming to the minimum lot area requirements, but not the average density target for the zone district. The industrial use on the Corner Fox lots are adjacent to other existing or entitled industrial uses east, north and west(across Hwy 33). The industrial use to the east is nonconforming, as is the industrial use directly to the east of the subject properties. However, there is one conforming industrial use parcel, Log Cabin Lane, which was previously zoned C-3 (wholesale/light manufacturing) and is currently zoned IR. There are no anticipated impacts to existing industrial uses. There are also no anticipated impacts to agricultural uses.

Impacts to residential uses may include concerns related to traffic, noise, and visual preferences. As noted in the application above, the uses will be accessed to/from Hwy 33 and W 5000 S with no traffic generated from uses on the subject properties using local residential streets. 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. In response to concerns raised at the Planning and Zoning hearing, the applicant has even added to the list of proposed use restrictions from the original application. The application proposes to closely match the height limitations of the residential zone district and proposes a landscape buffer along Hwy 33. The highest concentration of residential lots is to the east and northeast in the Fox Creek Village PUD.

Criteria #8: The comprehensive plan amendment will not have demonstrable adverse impact on the delivery by any jurisdiction or agency providing public services in the County, including school districts.

Future development on the subject properties would be served by Teton County Fire District, Teton County Sherriff, Teton School District 401, municipal sewer service, private wells (IDWR), and RAD Curbside. Hwy 33 is maintained by the Idaho Transportation Department and W 5000 S is maintained by Teton County Road and Bridge.

The demand on these services to support the proposed development varies depending

on the ultimate use developed on the property. However, many of the services listed above have the capabilities to support the full range of proposed uses. Due to the location of the subject properties, response times for EMS and police services would not be extended from what they are today. Calls for service for EMS and police services are generally less for commercial/industrial uses than residential therefore there is not anticipated to be a significant increase in calls for service for the proposed uses. No new roads are necessary or proposed, and the existing roads that service the subject properties are maintained for higher intensity uses by nature of their classifications. No additional maintenance or capacity improvements to the existing roads are anticipated because of the proposed uses. Teton County's regional partnership for waste management and recent upgrades to the transfer station ensure capacity for waste handling based on growth projections for many decades.

Future development potential may be limited by water and sewer services to the properties; however, future development of the property will not impact the delivery of water or sewer service to the community. There is a well on the Corner Fox Lots currently, however, water capacity in that well is not likely sufficient for some of the permitted uses with higher water demand such as nurseries or garden centers.

The subject properties are located adjacent to the sewer trunk line in Hwy 33 that carries wastewater from the City of Victor to the City of Driggs treatment plant. The subject properties will seek wastewater service connection approval from the City of Driggs and utilize the trunk line rather than on-site septic systems for obvious environmental and sustainability reasons. Although, on-site septic is a viable option due to the size of the properties. At the time of this application, the City of Driggs is still processing wastewater received from the trunk line even with the current litigation pending between the City of Driggs and City of Victor.

The Teton County School District has seen a steady increase in enrollment over the past five years with an average student-to-teacher ratio of 16:1 which is below the maximum 18-25 student-to-teacher ratio set by the State of Idaho. This implies that the school district generally has the capacity to accommodate continued increases in enrollment due to population growth provided the district can retain teachers. Population growth in high amenity communities is driven more by attraction to scenic beauty and access to recreation than new or expanded businesses or corporations. As such, the generation of school aged children from the proposed uses is likely to be di minimus and already accounted for in overall growth projections for the county. The proposed request not only limits the amount of land available for luxury housing not available to the local workforce; the request would also allow schools as a use in the IR zone district.

II. ZONING MAP AMENDMENT CRITERIA

Criteria #1: The Zoning Map amendment is not in conflict with the comprehensive plan.

The applicant has submitted a concurrent comprehensive plan amendment to align the future land use plan with the proposed rezone of the property. Should the county find the comprehensive plan amendment proposed acceptable, this rezone request would then not conflict with the comprehensive plan.

Criteria #2: The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.

As discussed in criteria 5 of the comprehensive plan amendment application, designation of the property as Industrial/Research supports and conforms to the stated purpose and intent of the LDC. Additionally, Subsection 4-5-A of the LDC states that the purpose and intent of the zone change criteria is to "mitigate potential known negative impacts a change in zoning may have on the public, the neighborhood, or surrounding property owners and to ensure due process". This applicant proposes numerous restrictions narrowing the potential negative impacts of permitted uses in the Industrial/Research zone district including building height reductions, access limitations, landscape easements, and prohibition of higher intensity industrial uses as listed in Attachment C.

Criteria #3: The Zoning Map amendment will reinforce the existing or planned character of the area.

Criteria 6 and 7 above outlined the existing uses in the vicinity of the subject properties and outlined how the application is compatible with surround industrial and agricultural uses by narrowing the list of permitted uses to be comparable to what exists today. The criteria also outlined measures proposed to ensure the reinforcement of the visual aesthetic and residential character of the area, as outlined in the comprehensive plan, such as reductions in building height, landscape buffering, and signage/access restrictions on Hwy 33. The request also aligns with previous Planned Unit Development approvals in the Fox Creek Village PUD to the north which went through a thorough planning and approval process to ensure adequate buffering of uses, landscaping, and other measures to maintain the visual aesthetic of the corridor.

Criteria #4: The Zoning Map amendment will not have a demonstrable adverse impact upon public service delivery by any jurisdiction or agency providing services in the County, including school districts.

As discussed in criteria 8 of the comprehensive plan amendment application, the proposed uses as restricted will not have an adverse impact on public service delivery to the community.

Criteria #5: The subject property is appropriate for development allowed in the proposed Zoning District, including, if the application relates to a public-school facility, the impacts authorized for review under Idaho Code section 67-6519(3).

The property is largely flat, vacant of any permanent structures, and mostly used as an outdoor storage and transfer facility for gravel, rock, and other materials used in landscaping, roadwork, and general construction. The property is not located within any natural resource areas or sensitive wildlife habitat and migration corridors. The property is located within the county's scenic corridor designation. As discussed in criteria 6 of the comprehensive plan amendment application, building and site design are important for the preservation of the scenic corridor. The proposed landscape easement, building height limits, and restrictions on access and signage further support the appropriateness of the use on the property.

Criteria #6: There are substantial reasons why the property cannot be used according to the existing zoning.

Although it may appear that these lots are ideal for residential development, that is not necessarily the case. These properties are adjacent to two very busy roads, Hwy 33 and W 5000 S. Based on the minimum lot size required in the RN-5 zone district and construction costs for residential, the price point for residential lots created by subdivision of this property would be substantial, placing these lots in the luxury residential category. Prospective purchasers of luxury residential lots will prefer to locate away from busy roads and there is already an abundance of vacant residential lots throughout the county with more desirable locations. Additionally, although the Fox Creek Lots to the north are zoned residential, the PUD only permits industrial uses. If the Fox Creek Lots were to be permitted to develop with the PUD uses, the Corner Fox Lots would be bordered by industrial uses with limited buffering on three of four sides which would isolate the uses and create potential future conflicts.

Criteria #7: The map amendment does not have the effect of creating a regulatory taking under federal or state law, including, as applicable Idaho Code section 67-8001, et seq.

The amendment does not constitute a regulatory taking as the application is a voluntary request by the owners of the subject properties and not an action by the jurisdiction.

Criteria #8: The County and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

As outlined in criteria #4 above, the proposed amendment will not impact the ability of public service providers to continue sufficient levels of service to this and other existing developments in the vicinity of the property.

Criteria #9: The Zoning Map amendment will not have a demonstrable adverse impact upon the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.

As discussed in criteria 6 in the comprehensive plan amendment application, the proposed uses as restricted will not have an adverse impact on the natural environment of the area. Future development of the subject properties may require additional study and demonstration of mitigated impacts depending on the proposed use. The applicant proposes to narrow the types of uses permitted on the property (Attachment C) but is not requesting any change in decision making authority or process by which each use is approved.

Criteria #10: The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.

As noted in Criteria 7 above, the zoning amendment request as outlined in the application will not have any demonstrable adverse impact on properties in the vicinity of the subject property.

Criteria #11: The proposed change is consistent with the requirements of the Planning Act, including but not limited to matters related to manufactured housing, group housing, certain animal operations, sexually-oriented business, and use of surface and groundwater.

The proposed change is consistent with the requirements of LLUPA as described in the comprehensive plan amendment criteria 4. The requested zone district is Industrial/Research which does not permit group housing or sexually-oriented businesses. The zone district does permit agricultural uses and limited housing categories. All state requirements applicable to future housing types or animal operations will comply with all state requirements. Future construction activities will also comply with all local and state stormwater management requirements. The well located on the subject property is permitted and under the compliance requirements of IDWR.

VICINITY MAP

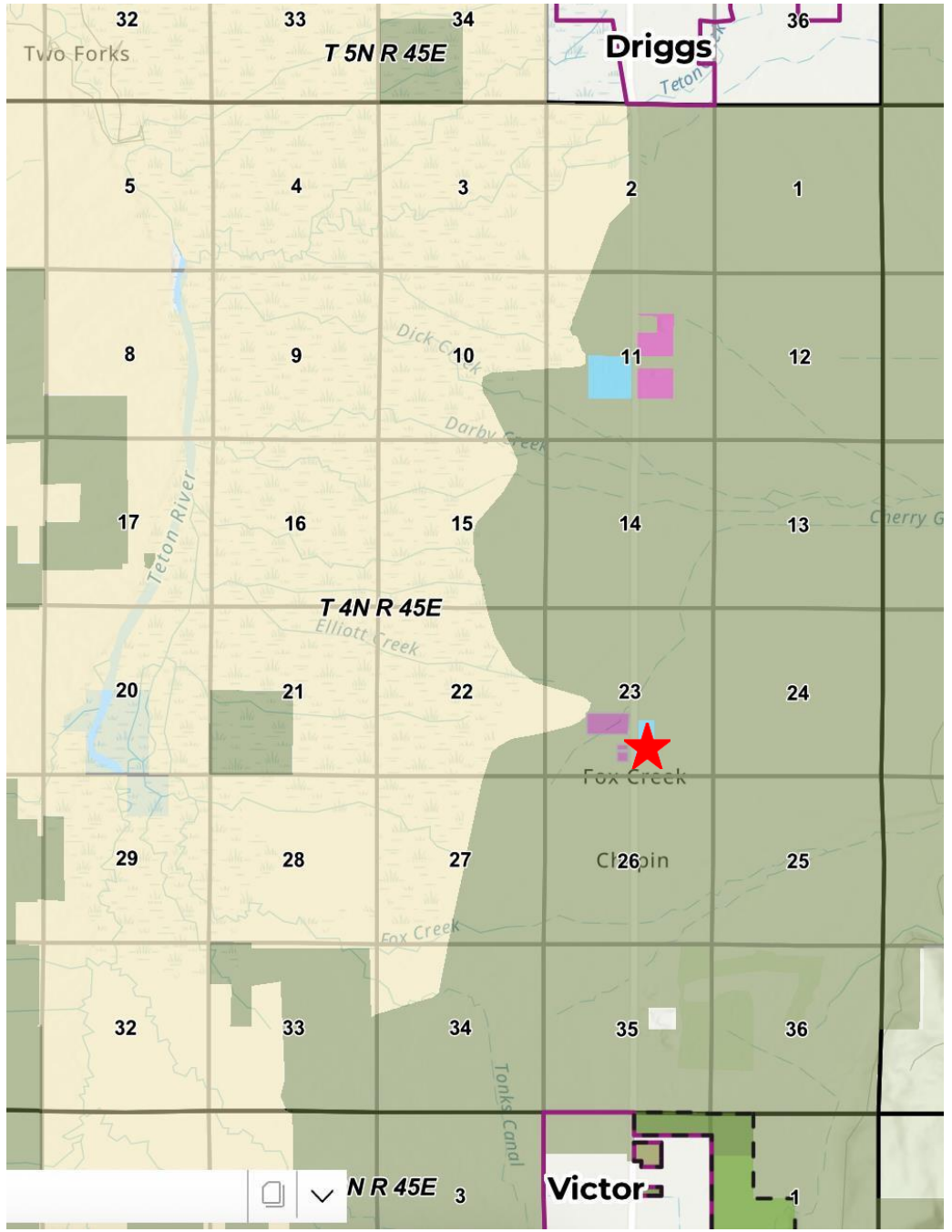


FIGURE 1:

Subject Properties

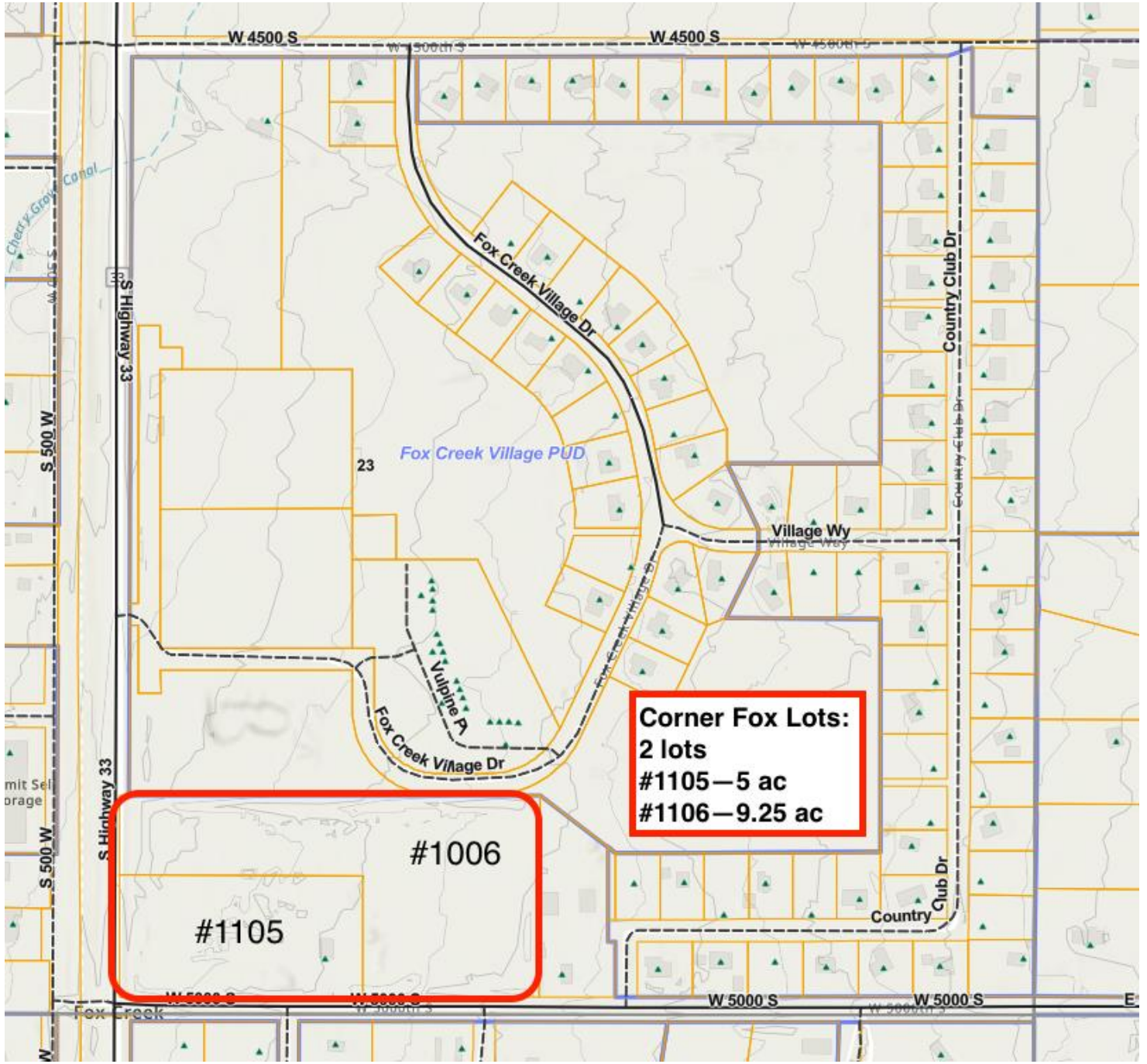


FIGURE 2:

Pre-2022 Zoning

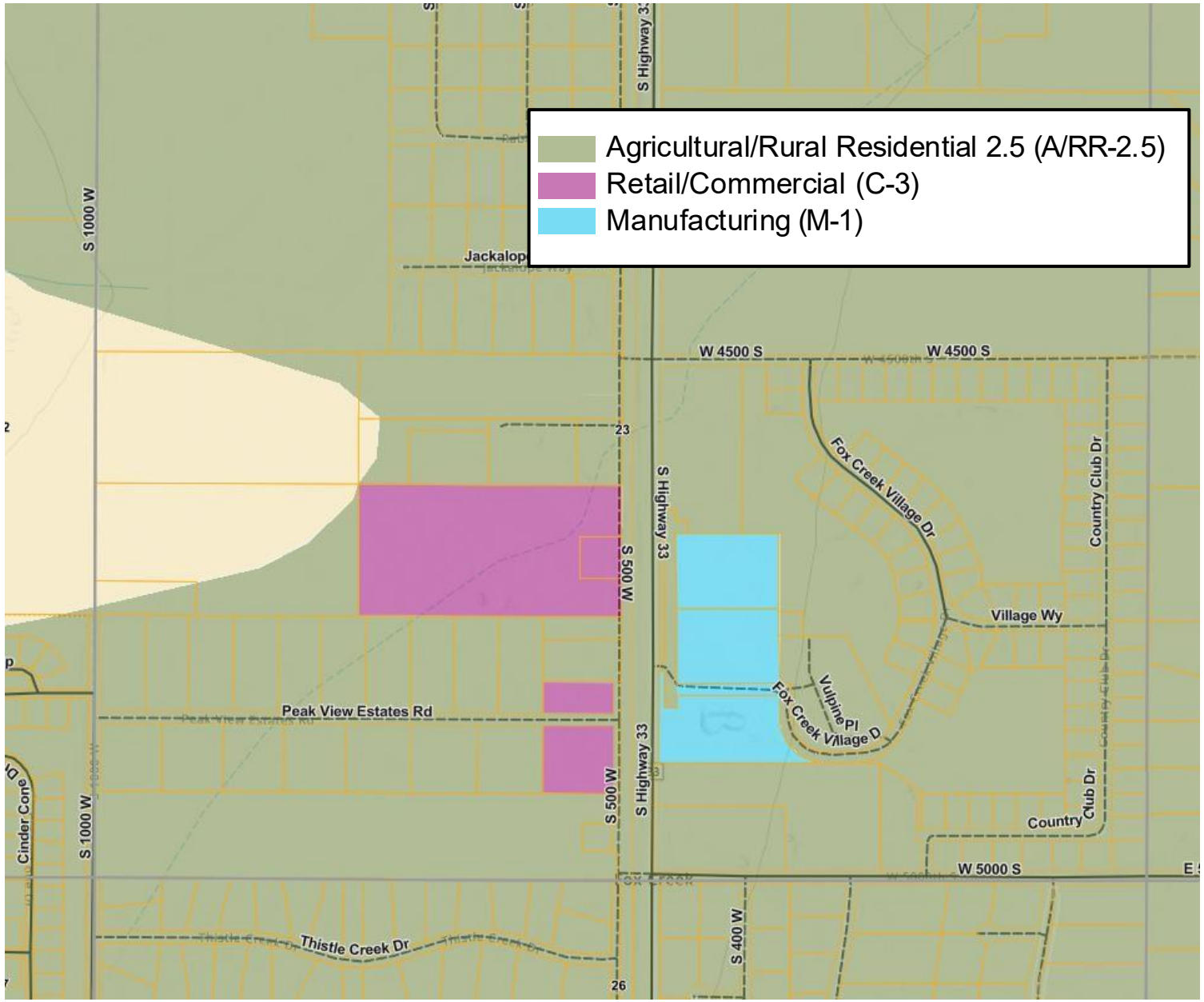
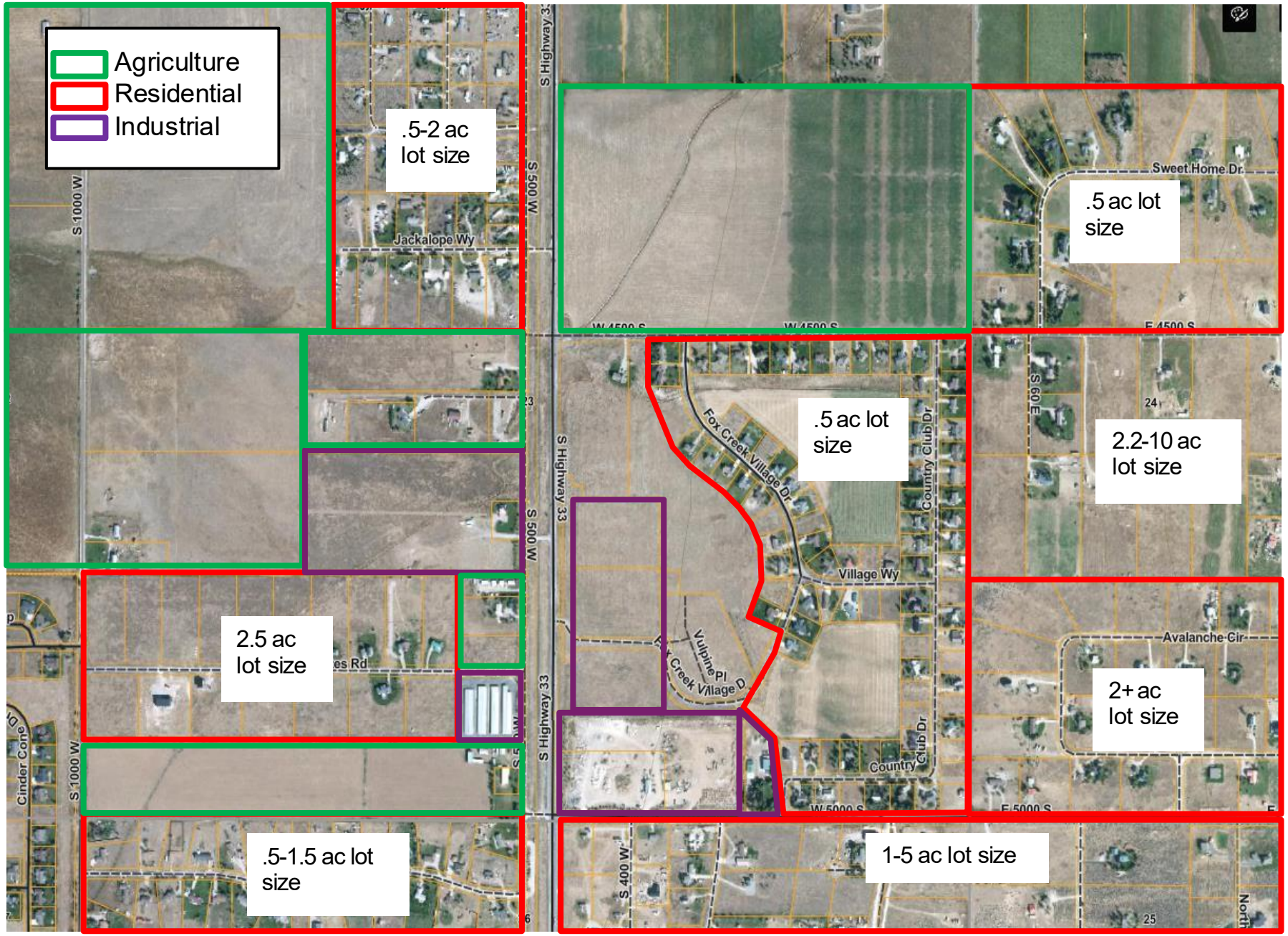


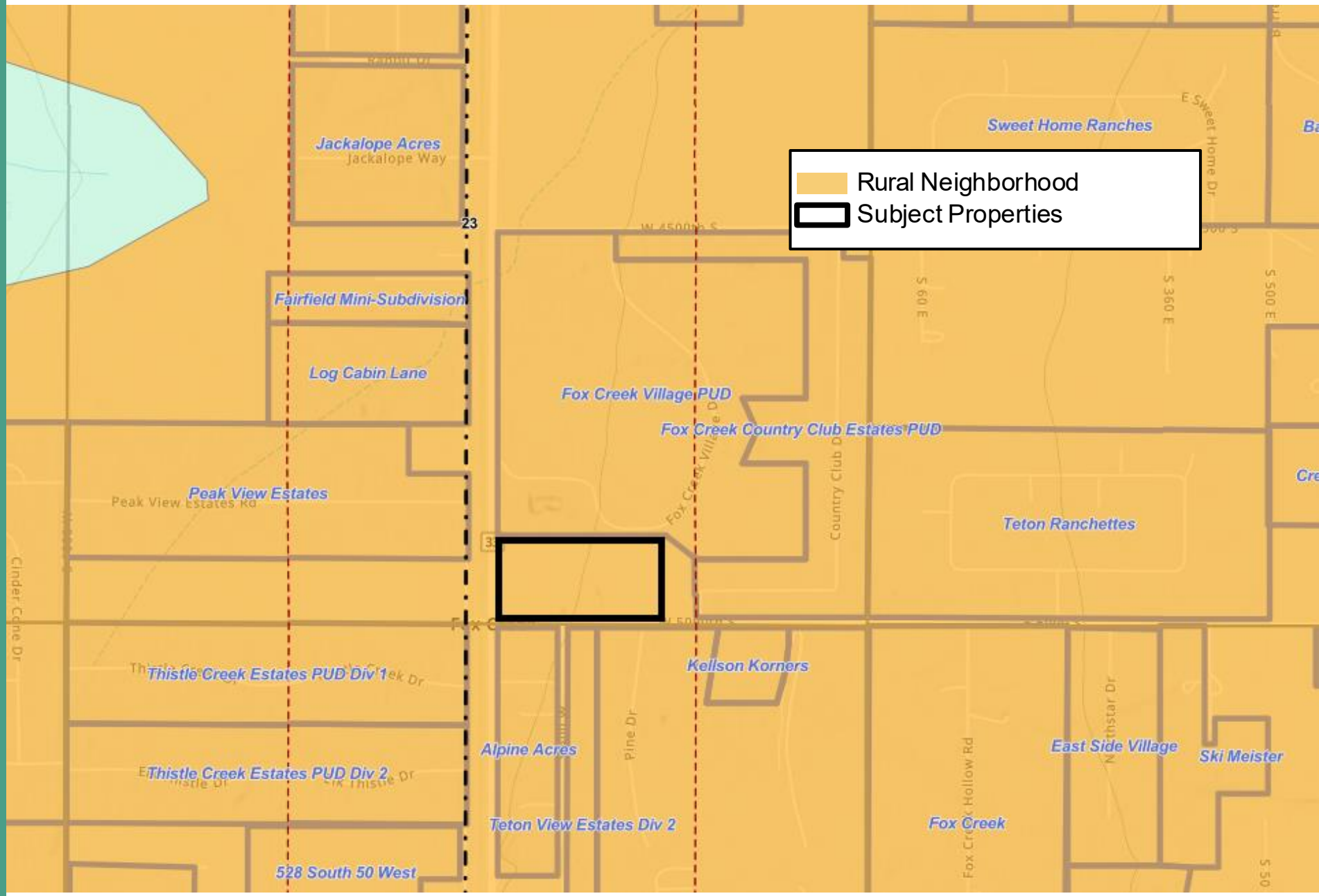
FIGURE 4:

Surrounding Uses



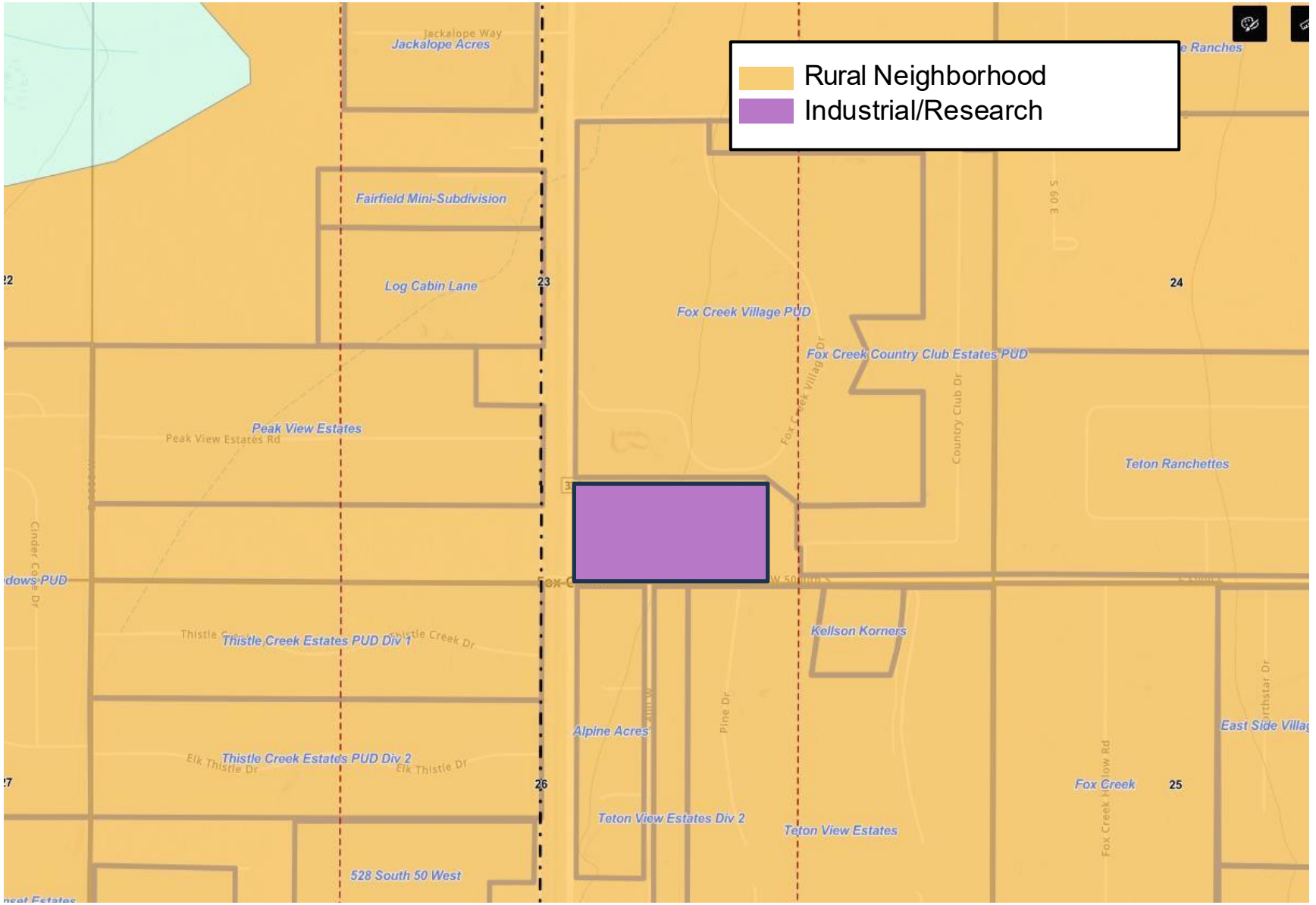
ATTACHMENT A:

CURRENT PLAN DESIGNATION



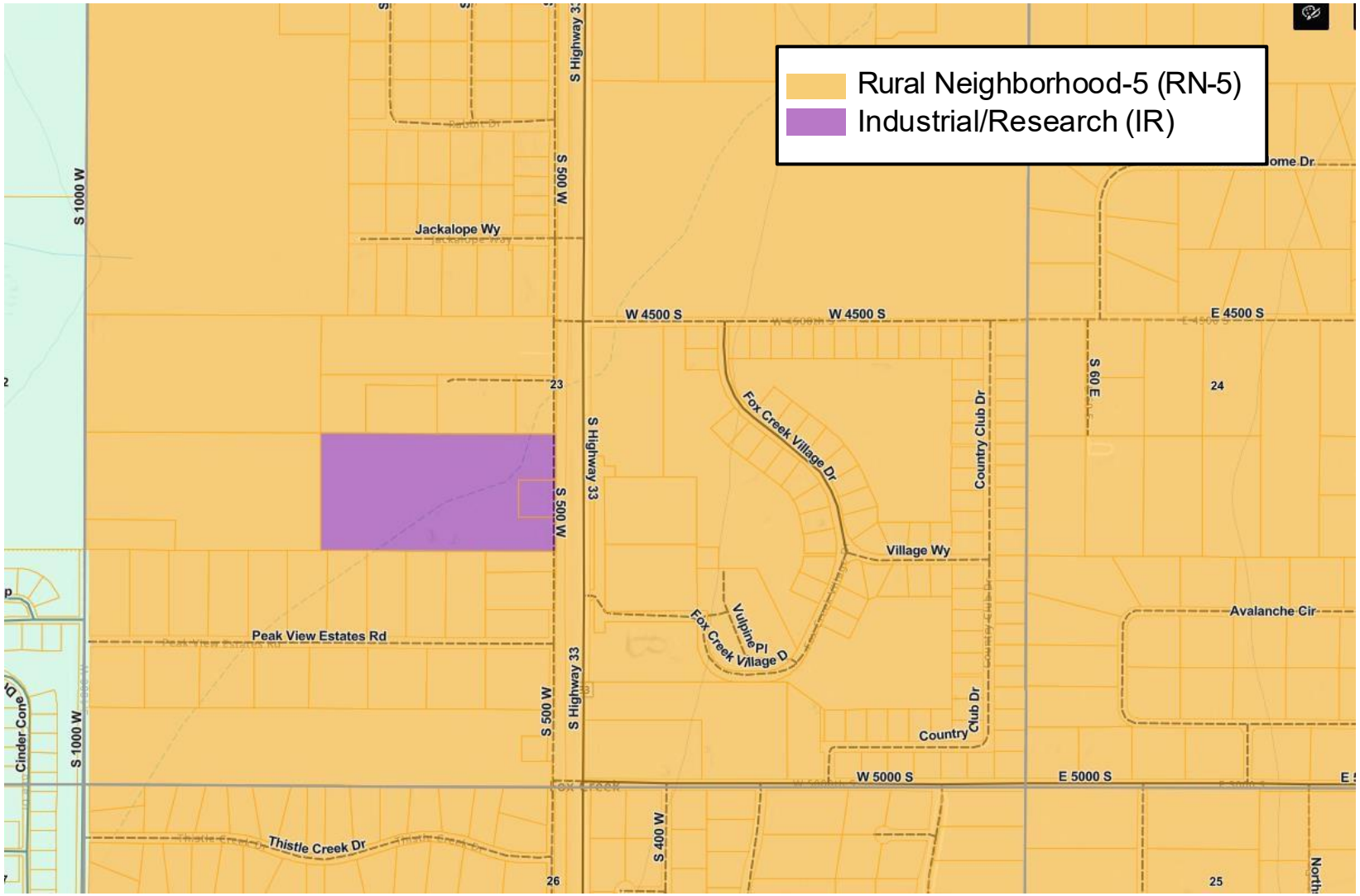
ATTACHMENT A:

PROPOSED PLAN DESIGNATION



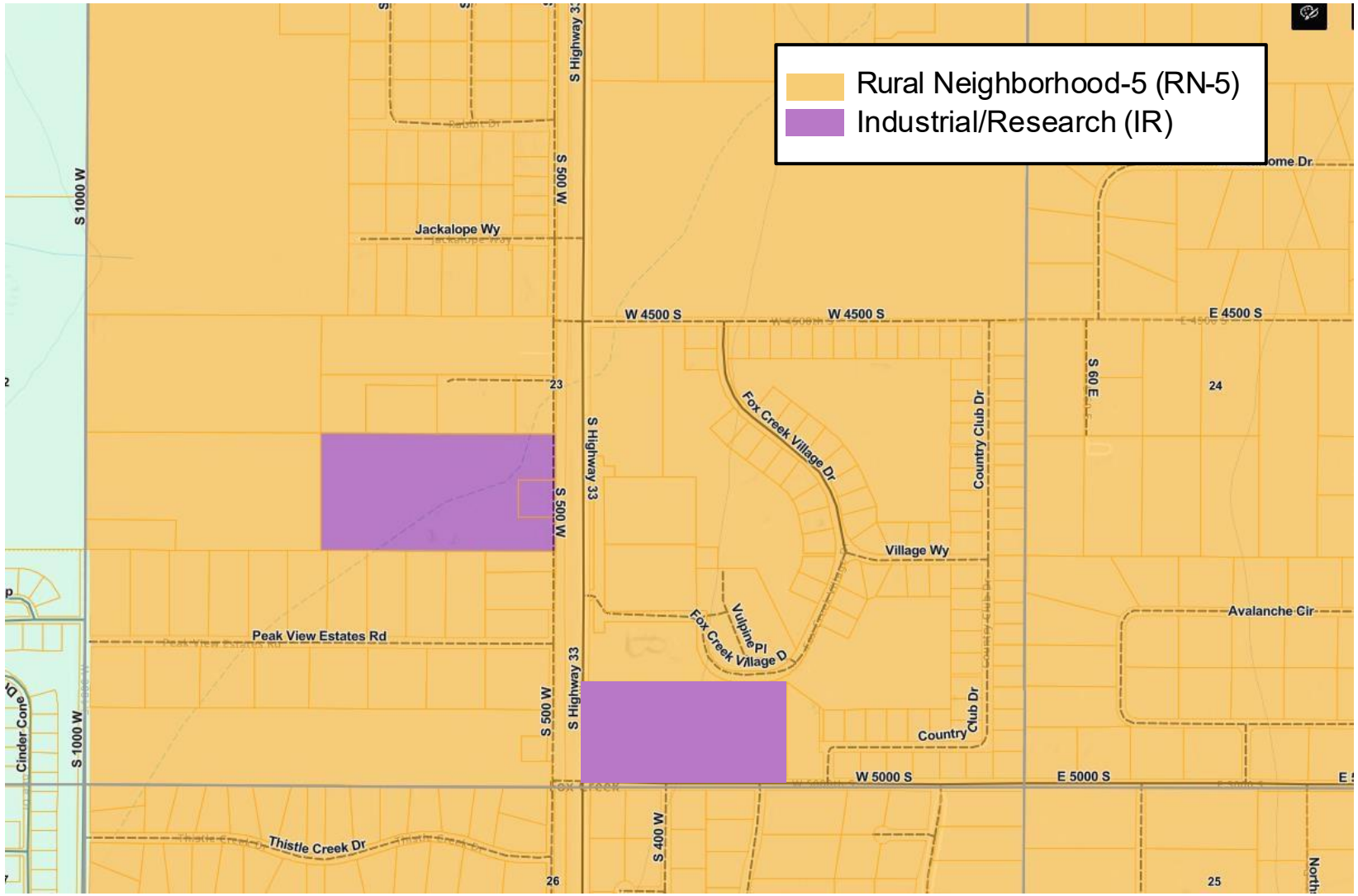
ATTACHMENT B:

CURRENT ZONING



ATTACHMENT B:

PROPOSED ZONING



ATTACHMENT C:

PROPOSED PERMITTED USES

Remove/Prohibit

1. Campground
2. Aviation Field
3. Industrial/Heavy
4. Mineral Resource Development
5. Waste related service
6. Wind energy system
7. Wireless communication tower
8. Motorized recreation
9. Fuel station/fuel sales (not listed as a specific use in the code but willing to restrict as an interpretation of potential allowed uses)

Keep/Permit

1. All agriculture uses
2. Schools
3. Utilities
4. Animal care
5. Garden Center/Nursery
6. Indoor shooting range
7. Vehicle and equipment sales
8. Industrial, light
9. F&B processing
10. Outdoor storage
11. Solar energy system
12. Warehouse
13. Commercial composting
14. WCF-amateur radio and building mounted
15. All accessory and temp uses.
16. Vehicle Service and Repair