Proposed Amendment to the Comprehensive Plan - Preferred Land Use Map

Staff Report – BoCC Public Hearing August 24, 2026
To consider Corner Fox IR land use area

APPLICATION INFORMATION

APPLICANT & OWNER: Corner Fox, 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 (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:
This application is 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 two unplatted parcels owned by Corner Fox LLC. For ease of reference throughout this application, the properties will be referred to as either the "Corner Fox Lots" as shown in Figure 1. **The initial application included three other properties (Fox Creek Lots) but the applicant clarified in the PZC hearing that the application is now limited to the Corner Fox lots.**

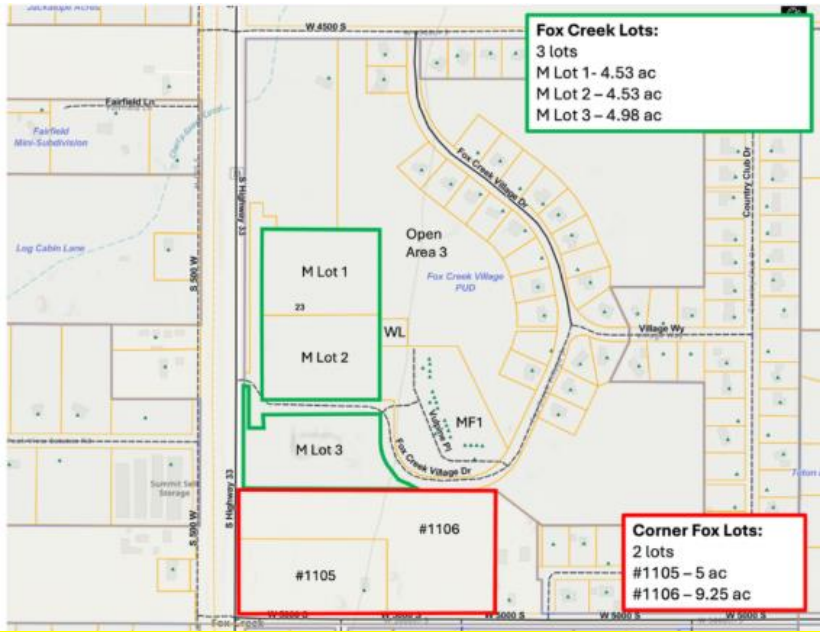


Figure 1: Subject Properties shown outlined in red. Green lots removed from consideration.

The 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.

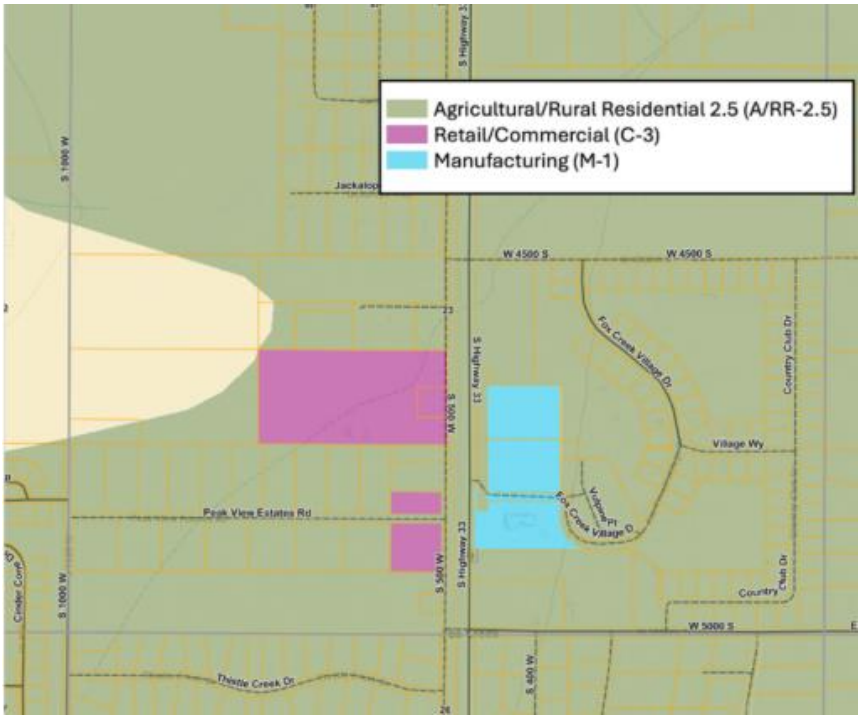


Figure 2: Pre-2022 Zoning

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.

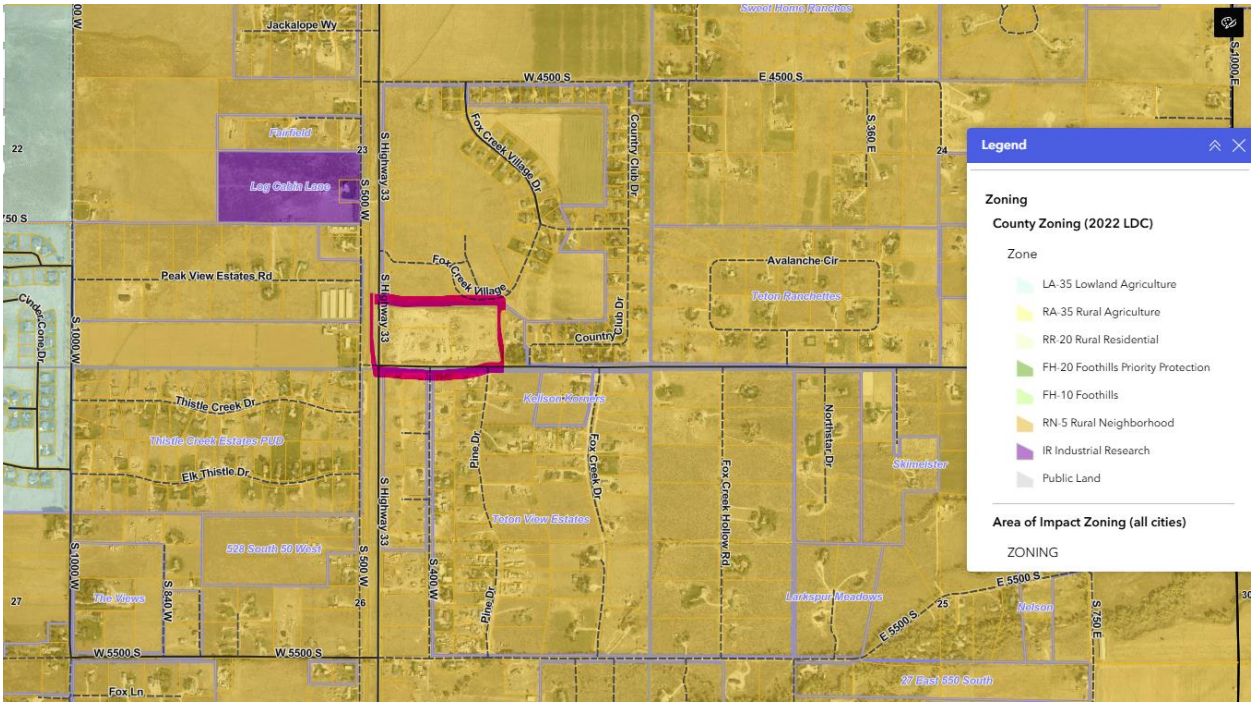


Figure 3. Current Zoning with subject parcels highlighted, for zoning context.

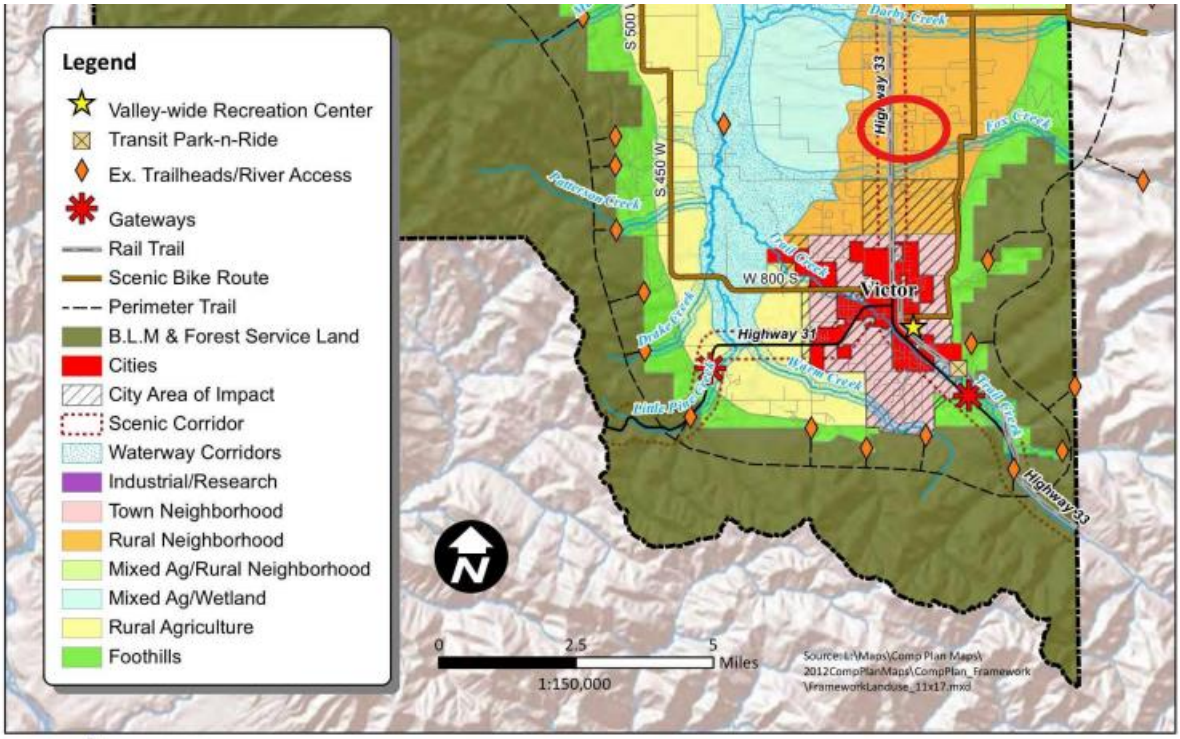


FIGURE 4. PREFERRED LAND USE MAP (AKA FRAMEWORK MAP), CIRCLE INDICATES APPROXIMATE LOCATION OF PROPOSED AMENDMENT

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 amendment/rezoning began with a pre-application conference held via Google Teams on February 2, 2026 and again on March 30, 2026 to answer additional questions. 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). Although state code (67-6509) gives discretion to the board whether to hold their own public hearing for comprehensive plan ammendments, in 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.

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 considered 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. Further, 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. A recent public comment spoke about the request in relatively neutral terms but suggested that if a rezone were granted it should have some permanence; however, this section of state code and local code provisions allow for periodic change to zoning as the county grows and changes over time, initiated by the county or by a landowner.

The PZC held a hearing on May 12, 2026, to consider the proposal and make recommendations to the Board. The PZC received public comment in opposition to the proposal, primarily from property owners in Fox Creek PUD but from others as well. The comments reiterated written comments received in opposition to the proposal particularly opposed to any additional demand on the community water system in Fox Creek PUD, as well as traffic concerns and other nuisance types of concerns related to noise, dust, lighting, etc., and more intense uses. It was pointed out that several lots identified as manufacturing lots, in the Fox Creek Village PUD, have some specific land uses designated on the plat. The applicants clarified that given the concerns raised about the properties in Fox Creek Village PUD, they were amending their request to limit the extent to the two Corner Fox Lots.

Following the hearing the PZC deliberated on the request. An excerpt of the minutes from the PZC hearing, with minor corrections, is included as an attachment.

Ultimately, the PZC voted to recommend denial of the change to the TC Comprehensive Plan in a split vote.

- **MOVER:**
- James Weber

SECONDER: Carl Kohut
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, specifically H, D, & E review criteria,

as well as not having zoning (future land use map) from the Comp Plan indicating commercial or industrial uses.

AYES (3)	James Weber, Carl Kohut, and Maggie Martin
NAYS: (2)	Harley Wilcox, and Collin Hunter
Absent (2)	Wyatt Penfold, and Tom Braun

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 does not believe that the proposal is an attempt to correct an error, at least in relation to the comprehensive plan 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 historical 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 few applications have been received to consider rezoning to Industrial Research zoning in areas that are both clearly designated for this zoning, or not designated for it, 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**.

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:

This language directs a review of the goals and policies of the county's Comprehensive Plan. In general, Teton County's Comprehensive Plan supports economic development in appropriate areas of the county and to complement economic activities not easily incorporated into the cities, while 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. The Local Land Use Planning Act has broad requirements for planning issues and areas that must be addressed within a comprehensive plan but generally does not dictate what those policies should be. State and federally protected or regulated uses exist but do not seem to be important aspects of this request.

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 industrial uses are appropriate are conferred to local jurisdictions and the required

analysis does not guarantee any specific outcome or conclusion. 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 including:

Goal ED 1: Develop a coordinated and collaborative economic development strategy that promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.

Comments recently received from the City of Driggs opposing the change notes that the IR designation is inappropriate and constitutes commercial sprawl, not in alignment with policy language that directs commercial development towards existing population centers. It also notes that the specific language around IR descriptions should have low visibility from scenic corridors, while this property lies within the scenic corridor. The comments suggest that changes should be considered more holistically in a broader comprehensive plan effort.

Industrial/Research: These areas are separate from the Town Neighborhoods and have low visibility from the scenic corridor and tourist centers. Most of these areas are currently undeveloped and utility services are available. Desired future character and land uses for Industrial/Research areas include:

- Light industrial
- Heavy industrial at the appropriate scale and in appropriate locations
- Cottage industries
- Safe and convenient street and pathway connections to towns
- Well maintained roadway connections to highways

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.

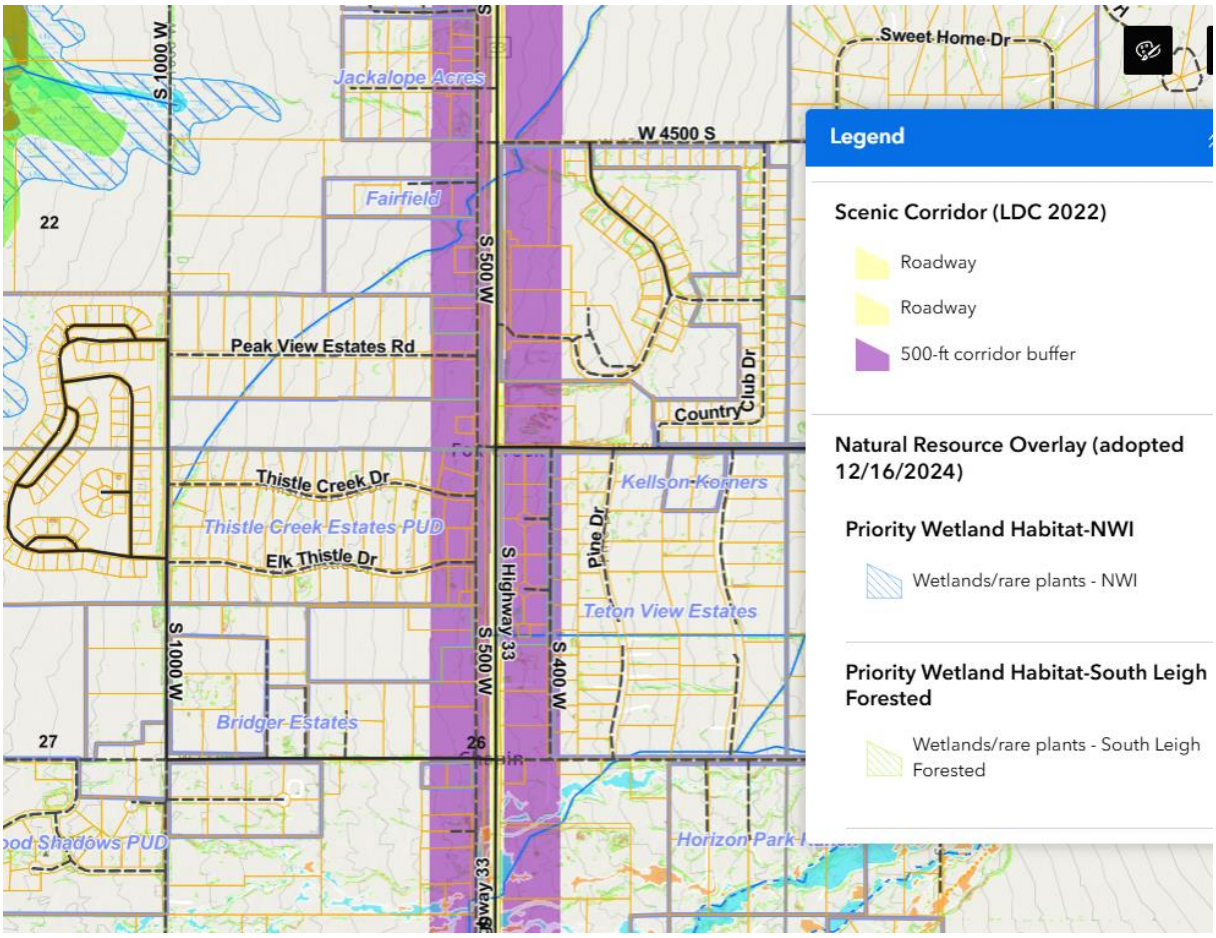


Figure 5. Natural resource overlays in proximity to the subject parcels, limited to scenic corridor.

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. The City of Driggs submitted comments recently.

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 June 18, 2026). The application was duly noticed in the Teton Valley News on June 24, and July 1, 2026. A notice was also posted on the property providing information about the public hearing on July 6, 2026.

Public Comment:
Staff has received several written public comments prior to the PZC hearing, which focus on a similar theme of concerns related to noise, visual impacts, and water use. Two additional comments have been received by July 6th both in opposition to the proposed change including a letter from the City of Driggs Planning Department.

UPDATE:
The BoCC heard the request for this amendment on July 13, 2026. Following the hearing the BoCC motioned to approve the **amendment to the 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**. Following this, the City of Driggs contacted the county to note that their comment letter was not included in the packet of information the BoCC received for review prior to their decision. At the next BoCC meeting, on July 27th, Planning staff asked the Board how they wanted to address this error. The BoCC determined to take the question up again at a subsequent hearing, vacating their previous decision.

The planning department received several additional comments, including one joint letter from the incorporated cities in the county. The letter is very similar to the one originally submitted by the City of Driggs Planning and Building Director, with the additional endorsement of mayors of the three cities. It argues that new commercial development should be "directed towards the existing population centers in the county to preserve rural character and scenic valley vistas." It contends that the parcels in the proposed amendment directly abut Highway 33 within the scenic corridor. It also states that the county has coordinated with the cities in recent years to establish Areas of Impact around the cities to eventually provide services to commercial areas in the vicinity of the cities. It concludes by suggesting that a change such as this could be considered holistically in a broader context of a comprehensive plan update that the County is commencing. This sentiment was echoed by some of the PZC members in their deliberation.

Regarding the scenic corridor, hearing, the applicant argued that they have established berms to limit visual impacts, and the property is somewhat lower than adjacent highway and county

road elevations though this was not discussed in as much detail in the previous BoCC as it was with the PZC. Planning staff would concur however, that the site is in the scenic corridor and likely would not be fully screened from views for some time through landscaping. Discussions about this question in other contexts have argued that tall landscaping elements themselves can obscure background views along the highway edge. The IR zone also allows for greater building heights than all other zones in the county.

Regarding the arguments surrounding the location's proximity to population centers, Planning Staff believes that previous county commissioners did take steps to phase out previous zoning in this location for Commercial / Industrial uses, except perhaps where protected through existing agreements, even changing zoning on properties that included commercial components on plats. This is consistent with the arguments the cities are presenting. The applicants have argued that not enough land has been made available for these uses in the county.

Another comment letter recounts some history of code violations and a failed attempt at securing a conditional use permit on this property. The current LDC does not include language prohibiting making applications on properties which have been flagged for previous or ongoing code violations. Yet another letter documents that a request for a zone change here was previously made and denied in 2007. It argues that a number of criteria are not met by the request.

Substantial comment was received related to more localized impacts from anticipated traffic increases, based on current heavier vehicle traffic and the difficulty for those type of vehicles turning onto the highway at that intersection. Other concerns with potential lighting and noise were raised. **Following review of new information that has been presented in hearings and public comments, planning staff believes that a number of issues have been raised that warrant a more detailed discussion of a need for mitigation and restrictions at this location if the BoCC determined to maintain its previous decision.** Planning staff would also note that a number of other applications have been brought to the county recently for rezones to Industrial Research in locations that are currently supported by the comprehensive plan map. This speaks to the arguments made that there is a need for additional land in the county with this zoning and but also raises a question of how the properties recently rezoned, or platted within this zoning, can fill some of this need. **Staff believes that the creation of additional Industrial Research Land Use designation areas should be approached holistically, with careful consideration of and in the context of a broad comprehensive planning effort that carries out some analysis of these needs.**

STAFF RECOMMENDATIONS:

Planning Staff would recommend that several of the review criterion seem to be addressed well while a few 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 until after a public hearing is concluded. Planning staff believes that there is fairly broad discretion

by the county in interpreting the intent and direction from policy language in the comprehensive plan. Planning staff recognizes that state statute gives the PZC a primary role in comprehensive planning duties as outlined in the Local Land Use Planning Act. In this instance, they recommended denial, although in a split vote. Part of the reasoning for this was that the comprehensive plan should be looked at in a broad and comprehensive fashion, however state statute is also clear in allowing individuals to make requests for changes. Planning staff would note that the comprehensive plan, including the future land use map has not been amended since its adoption in any instance that we can find. There is also a recognition of a need for updating the plan at this time and funds have been allocated for this.

BOCC Actions:

1. Approval of the amendments as proposed.
2. Approval of the amendments with conditions of approval or modifications to the proposal.
3. 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 4-4.(F) *can be satisfied (with the inclusion of the following conditions of approval or modifications to the proposal):*

- *I move to APPROVE the Comprehensive Plan Amendment as described in the application materials to modify the Future Land Use Map.*

DENIAL

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

- *I move to DENY 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 (17)
D. EIPH comment email
E. Excerpt of PZC Minutes 5.12.2026
F. P. A. Spitzer Letter PEI Letter 1.16