



**STAFF REPORT**

**To:** Planning and Zoning Commission  
**From:** Allison Ahlert, Assistant Planner  
 Leanne Bernstein, Planning & Zoning Administrator  
**Report Date:** 5/6/22  
**Meeting Date:** 5/11/22  
**Project Name:** AX22-1 T&C Landholdings LLC  
**RE:** Public Hearing/Possible Recommendation

**APPLICANT:** Ryan Thueson  
**LAND OWNER:** T&C Landholding LLC  
**LOCATION:** South of LeGrand Pierre, AOI  
**RP NUMBER:** RP05N45E261500  
**EXISTING ZONING:** Area of Impact Single & Two-Family Residential (R-1)  
**REQUESTED ZONING:** IL Industrial Light  
**OVERLAYS:** Airport Traffic Pattern, Airport Inner Critical Zone, Airport Protection Overlay  
**COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION:** MU\_c Mixed Use, OS/P\_c Open Space/Parks Preferred



**SUMMARY:** Ryan Thueson of T & C Land Holdings, LLC, the applicant and owner, is requesting annexation of 2.37 acres in the Area of Impact south of LeGrand Pierre Ave. The subject parcel is contiguous with a separate lot also owned by the applicant, which is in the City limits. The subject parcel is one of two adjacent lots completely surrounded by City boundaries that remain in the Area of Impact and is currently undeveloped. The applicant is requesting the parcel be assigned IL Industrial Light Zoning. The subject parcel lies within three airport overlays, defined by the Land Development Code. These overlays and their requirements will continue to apply to the subject parcel if annexed, including execution of an Avigation Easement.

**I. PROCESS BACKGROUND**

As per Idaho Code 67-6525, the Planning & Zoning Commission will review the application for annexation at a public hearing and make a recommendation to City Council regarding the requisite zone map amendment to accompany annexation. P&Z may also make an informal recommendation on the annexation. Following this, City Council will hold another public hearing and make a final decision on the annexation and rezone.

**II. SERVICE PROVIDER COMMENTS**

Upon determining that a complete application was received, the application materials were forwarded to the following service providers – Teton County, Fire Protection District, Teton School District,

Silverstar Communications, Fall River Electric, and Driggs Public Works. Staff received no concerns from service providers.

**III. PUBLIC COMMENT:**

This request has been noticed in accordance with Idaho Code 67-6509. As of the date of this report, no public comments have been received.

**V. ANNEXATION REVIEW CRITERIA:** The annexation application will be defined as a Category A annexation according to Idaho Statute. Category A annexations are subject to the criteria listed in the table below. Additionally, the accompanying rezone will be reviewed according to the criteria for a Zone Map Amendment found in the Idaho Code 67-6525 and Driggs Land Development Code 14.8.

<b>Category A Annexation Process as per Idaho Code 50-222 and Idaho Code 67-6525</b>		
Land is contiguous to the city	Conforms	The subject parcel shares its western and southern property boundaries with Driggs City Limits.
Consent of all private landowners received	Conforms	Applicant is land owner
Land included in the Comp Plan [FLUM]	Conforms	See analysis below
Comprehensive Plan policies identified	Conforms	Complies with the objective of the Area of Impact that identifies land that is reasonably expected to be annexed.
Appropriate zoning of lands to be annexed identified	To be confirmed	See §14.9 analysis below
<b>Annexation Criteria per Driggs Land Development Code 14.10</b>		
Determine if the Annexation provides a compelling public benefit	To be confirmed	Because the subject property is part of an island of unincorporated land surrounded by the City Limits and adjacent to the airport, it is advisable for the City to annex in order to maintain control over uses that impact the airport. The subject property is currently served by a City maintained road and is near other City service lines. See below for fiscal, transportation, and utilities analysis.

**VI. ANALYSIS:** Staff’s analysis of the proposed annexation is identified below:

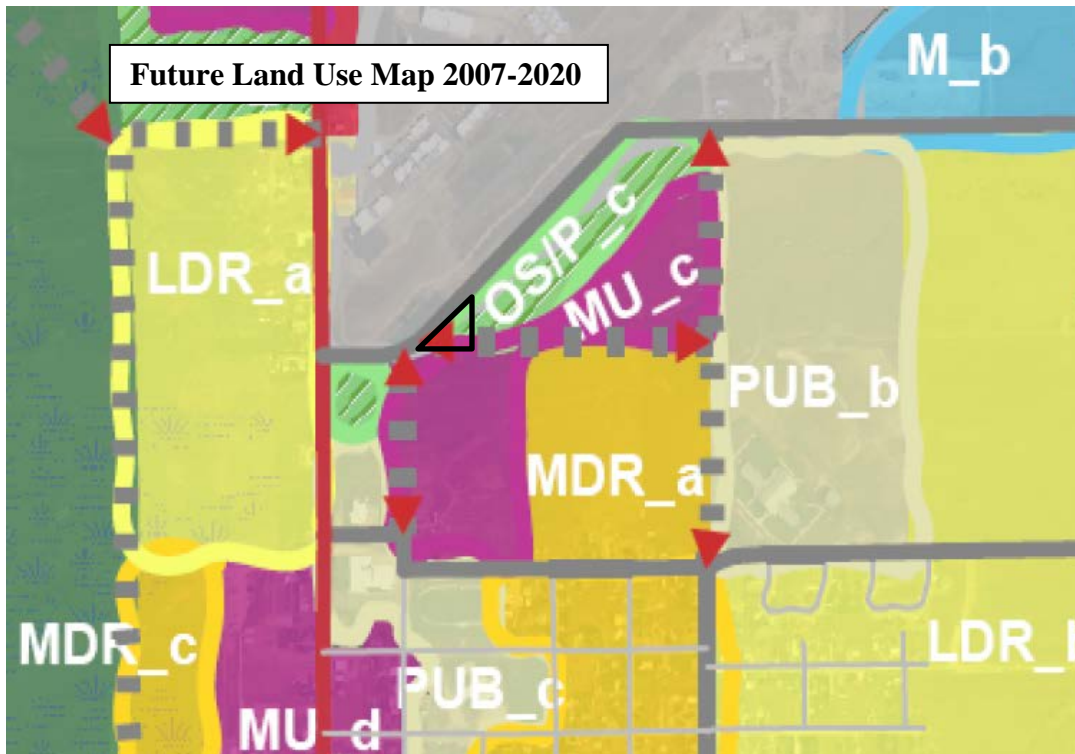
- 1. Fiscal Impacts:** The Driggs levy rate of 0.001961509 would apply on the property valued at \$981.00; the resulting increase in tax revenue would be insignificant. However, if an when the parcel is developed, the increase value will increase the tax revenue.
- 2. Transportation:** No road or pedestrian extensions are needed to serve this property. LeGrand Pierre Ave and adjacent pathway are currently maintained by the City of Driggs.
- 3. Utilities:** Water and sewer lines do not currently reach the subject property. At the time of development, the owner will be responsible to extend water and sewer mains, or create individual

service line extensions. The owner should also provide water rights to the City to offset the impact of any development on the property.

**VII. ZONE MAP AMENDMENT CRITERIA FOR APPROVAL, LDC 14.8.4:**

**1. The requested Zoning Map Amendment substantially conforms to the Comprehensive Plan.**

The subject property lies on the border of MU\_c- Mixed Use and OS/P\_c- Open Space/Park Preferred by the 2007-2020 Comprehensive Plan, which is the adopted plan for the Area of Impact. MU\_c is described as follows: “This Mixed-Use area lies between the airport and Ross Avenue, and is adjacent to public uses and major roads, thereby providing a buffer from such uses and the medium density residential area to the south and east. Appropriate uses in this area would include mixed residential and office or clinic uses, teen activity centers, or possibly a suitable area for a relocated and expanded hospital facility.” OS/P\_c is described as follows: “This area would provide a buffer between the airport and MU\_d mixed use area. The parks dedication requirement from any development in the MU\_d area should be directed into this open space/ park area. This would be an appropriate area for a ball field facility.”



The proposed use, IL-Industrial Light is intended to be, “operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.” This use aligns with the stated intention of the Comprehensive Plan to provide a buffer between airport and industrial uses and the residential uses to the south and east.

**2. The requested Zoning Map Amendment substantially conforms to the stated purpose and intent of this Land Development Code.**

LDC Section 1.1.2.C.8 states that the intent of the LDC is “To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan.”

Surrounding properties are zone IL-Industrial Light and IX-Industrial Flex. Driggs Land Development Code (LDC) defines the IL zone as follows:

“IL is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. IL should be applied in established light industrial or manufacturing areas or where such a land use pattern is desired in the future.”

The proposed zone would carry the same, or similar, uses as surrounding zoning and create orderly land use by removing an island of County residential zoning near the airport.

**3. The Zoning Map Amendment will reinforce the existing or planned character of the area.**

As stated above, surrounding properties are zoned IL-Industrial Light or IX-Industrial Flex. The property to the west remains outside of City Limits, zoned for single and two-family residential. The proposed zone map amendment would bring the subject property in alignment with current uses allowed on adjacent properties and the intended buffer between airport and residential uses outlined in the Comprehensive Plan. The proposed zoning would also allow a higher intensity of use, which aligns with a mixed-use designation.

**4. The subject property is appropriate for development allowed in the proposed district.**

Uses allowed in the proposed district are outlined the Use Table included as Exhibit D. The IL Zone allows all building types, with a minimum lot size of 7,000 sf. The subject property meets these standards.

**5. There are substantial reasons why the property cannot be used according to the existing zoning.**

If the subject property is to be annexed into City Limits, a new zoning designation according to Driggs Land Development Code will need to be designated. Justification for the annexation is found in the analysis above. As stated above, the change from residential use to industrial use is in alignment with surrounding uses and the intention of the Comprehensive Plan.

**6. There is a need for the proposed use at the proposed location.**

The need for industrial uses at this location is justified by the Future Land Use Map designation of mixed use for this area. The current zoning is Single and Two-Family residential, which primarily allows for detached homes on suburban style lots. A new designation of IL-Industrial Light would create more use opportunity and transition to a higher intensity of use, in alignment with the Comprehensive Plan.

**7. The City and other service providers will be able to provide sufficient public facilities and services to the site (i.e. schools, roads, wastewater treatment, stormwater facilities, fire services) while maintaining sufficient levels of service to existing development.**

Public water/sewer mains will need to be extended, or individual service lines, at time of development. The owner/developer will be responsible for the cost of utilities extensions to serve the property. The annexation should be conditioned on the provision of water rights to the City that will cover the impact of development in the annexation area.

**8. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise stormwater, wildlife, and vegetation.**

Uses allowed in the IL Zone are restricted to those that operate in a clean and quiet manner, in order to mitigate impact to surrounding areas. The subject parcel does not fall under any natural

resources overlays. Any and all future developments shall be reviewed for compliance with stormwater management regulations and weed control standards. Staff does not anticipate that development in accordance to the proposed zones would have a significantly different impact than development allowed in the current zones, other than the potential for increased stormwater runoff. A stormwater plan will be required with future development applications.

**9. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.**

Properties adjacent to the north, west, and south of the subject property are zoned similarly to the proposed zone. The proposed zone's stated intent is to allow uses that do not impact surrounding properties, meaning that uses are unlikely to have a negative impact on nearby residential zones.

**VIII. STAFF RECOMMENDATION:**

Staff recommends that the Planning & Zoning Commission hold a public hearing, consider the analysis in the Staff Report, and make a formal recommendation to approve the IL-Industrial Light zoning for the proposed annexed land.

The Code does not require that the Planning & Zoning Commission make a recommendation on the annexation itself, but Staff recommends that the Commission consider the annexation as proposed and provide comments and/or a recommendation for City Council to consider.

**Possible Conditions:**

1. Execution of an Avigation Easement
2. Owner will be responsible for the installation of utility extensions at the time of development
3. Owner shall transfer water rights in the amount needed to offset impacts of development in the annexation area
4. An annexation agreement capturing the conditions of development shall be executed within 6 months of approval. If an annexation agreement is not executed within 6 months of approval, the annexation and zone change will be invalid.

**Motion Options:**

Approve Rezone: Motion to recommend approval of the rezone of the 2.37 acre T&C Landholdings parcel to be zoned IL Industrial Light [*with the following conditions to be determined by P&Z*]. This recommendation is based on the finding that the proposed zoning complies with the Driggs Comprehensive Plan and approval criteria of Article 14.9 as stated in the Staff Report. This rezone recommendation is contingent on the City Council approving the Annexation with the conditions as recommended.

Table: Motion to table the re-zone and annexation request until additional information is provided... [*to be determined by P&Z*].

***Optional Comments on the Annexation:***

Approve: Motion to recommend approval of the annexation request with the following conditions [*to be determined by the Planning & Zoning Commission*] ... This recommendation for approval is based on the finding that [*with the stated conditions*] the annexation provides a compelling public benefit and complies with the Comprehensive Plan.

Possible Conditions:

1. *Execution of an Avigation Easement*
2. *Owner will be responsible for the installation of utility extensions at the time of development*
3. *Owner shall transfer water rights in the amount needed to offset impacts of development in the annexation area*
4. *An annexation agreement capturing the conditions of development shall be executed within 6 months of approval. If an annexation agreement is not executed within 6 months of approval, the annexation and zone change will be invalid.*

Deny: Motion to recommend denial of the rezone and the annexation request based on the finding that the annexation does not provide a compelling public benefit because: [*identify reasons*]

Exhibits:

A- Application

B- Vicinity Map

C- Survey

D- Industrial Light Use Table