



## Planning Staff Report

REPORT DATE: February 18, 2021

HEARING DATE: February 24, 2021

FILE NUMBER / NAME **AMD 2020-06**

APPLICATION TYPE Comprehensive Plan Update

PROJECT APPLICANT City of Victor Planning and Development and Logan Simpson

### Re: Applicable Victor Values:

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Culturally Historic | <input checked="" type="checkbox"/> Sustainable     | <input checked="" type="checkbox"/> Connected to Nature |
| <input checked="" type="checkbox"/> Small Town Feel     | <input checked="" type="checkbox"/> Family Friendly | <input checked="" type="checkbox"/> Administrative Need |

### PROPOSAL & PROCEDURE

This procedure requires a Public Hearing before the City of Victor Planning & Zoning Commission and a Public Hearing before the City Council. The City Council will have the final decision on this application. The process and public outreach are explained within the text of the plan.

Starting in January of 2020 Logan Simpson and Staff have been working towards the creation of the Plan. With help of a Technical Advisory Committee, they were able to filter through tons of public comments and support the draft dated November 30, 2020. The Planning and Zoning Commission make several changes to the map and the densities as outlined below.

The Planning and Zoning Commission conducted a number of public hearings as follows:

- November 17, 2020 – Presentation of the draft and public comment.
- December 15, 2020 – Pulled due to noticing concerns.
- January 7, 2021 – Presentation of draft, discussion of items to be amended, and public comment.
- January 13, 2021 – Work session to discuss map updates and density only, no action or public comment taken.
- January 21, 2021 – Presentation and discussion of proposed updates to map and density, public comment, and motion to recommend amended draft.

### Update for the January 21, 2021 P&Z meeting

At the January 7, 2021 P&Z meeting the Commission voted to have a special work session to discuss the Future Land Use Map and densities more deeply. That work session was held as a public meeting on January 13, 2021. The results of that work session are documented in the changes below and within the documents linked to this staff report.

1. Updated cover date (on comprehensive plan and appendices from 30 November 2020 to 15 January 2021)
2. Updated future land use map:
  - Pulled DN designation shown east of DC back a ¼ mile to Baseline; incorporated SN between Baseline and EN to show the transition between uses at the eastern edge
  - Added a DN designation east of the north EMP area to reflect current multi-family densities, and allow additional supportive housing; expanded the GMA area to reflect this transition on the two parcels at the northwest corner adjacent to the existing city boundary
  - Added a DN designation just west of DC, along Trail Creek to reflect current multi-family densities, and allow additional supportive housing
  - Added EMP align Highway 31 as an additional area for future employment
  - Reduced densities at the west and south from SN to EN
  - Realigned SN and EN neighborhoods at the north to transition down more evenly across those areas
  - Added the existing city boundary

- Updated legend to include Roads, Trails, and City Boundary, GMA, and ACI
3. Incorporated regional trail alignments throughout, and to emphasize open space and connectivity
    - Change also resulted in map change to:
      - i. Page 25: GMA expanded to include 2 parcels at the northwest corner adjacent to the existing city boundary
  4. Updates to land use category descriptions:
    - All “Residential Density” headings updated to “Suggested Residential Density Range”
    - All density range descriptions updated to reflect a net density (i.e. “units per acre net density”)
    - Surrounding Neighborhoods (page 19) density decreased from 4 – 14 to “4 – 10 units per acre net density”
    - Downtown Neighborhoods (page 20) density range decreased from 8 – 20 to “8 – 16 units per acre net density”
    - Downtown Core (page 22) density range increased from 12 – 20 to “14 – 24 units per acre net density”
    - Employment (page 21):
      - i. Description: This category includes commercial areas with a variety of office, retail, and light industrial, integrated with essential services, and supported by compatible multi-family and live/work residential uses.
      - ii. Suggested Residential Density Range: 8 – 16 units per acre net density
      - iii. Secondary uses: added live/work residential
      - iv. Allowed Zoning: added RM1 and RM2 Residential Multi-Family
  5. Updates to outreach section, including:
    - Updates to Phase 4 outreach description
      - i. Extended phase dates to February 2021

#### **Proposed Amendment by Staff**

It was brought to staff’s attention by a concerned member of the public that the Open Space designation would essentially remove all ability to develop on any site with such designation. Staff is concerned that if there are not some type of development allowances in all designation that there could be questioned as a regulatory taking. Staff is suggesting that the RC-Residential Cluster district be added as an allowed use in the Open Space designation. In the case of the RC zoning, it would be consistent with the actions that are already underway creating the Hillside/Wildlife Overlay District and would align with the current County zoning. The RC zoning district has a requirement of dedicated open space in exchange for clustered residential development. This would also align with the intent of the Open Space designation.

#### **ALTERNATIVES/POSSIBLE ACTIONS**

The following are the possible courses of action on the application:

1. Table decision and continue the hearing during a subsequent meeting;
2. Recommend approval of the plan as drafted;
3. Recommend approval of the plan with conditions or proposed amendments;
4. Recommend denial of the plan.

#### **SUGGESTED MOTIONS**

##### Approve:

Having concluded that the requirement of a Comprehensive Plan found in the Idaho State Statute Title 67-6507, 67-6508, and 67-6509 have been met, the Victor City Council moves to approve the adoption of AMD2020-06 for the Victor Comprehensive Plan and Transportation Plan dated January 21, 2021 by Resolution R537 and further approve of the amendment of Title 9 if the Victor Municipal Code by Ordinance O578, as attached to the staff report for the meeting dated February 24, 2021, including the amendment to add RC-Residential Cluster to the allowed zoning district in the Open Space designation.

**Alternative Motion:**

Continue:

Having found that further information is required, I move to continue the discussion regarding AMD 2020-06 to the (insert date) public hearing to allow for more information to address the following concerns raised (specify concerns to be addressed).

**STAFF REPORT ATTACHMENTS**

1. Links to Comprehensive Plan and Transportation Plan
2. Resolution R537
3. Ordinance O578
4. Idaho State Statute Title 67-6507, 67-6508, and 67-6509

**LINKS**

1. Comprehensive Plan dated January 21, 2021:  
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:0118f98d-4932-4fe5-b411-cfb45c539181>
2. Transportation Plan dated January 21, 2021:  
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:a6b9fbd7-2e19-4a03-903c-c72490076076>

RESOLUTION NUMBER R537

A RESOLUTION OF THE CITY OF VICTOR, IDAHO, ADOPTING A COMPREHENSIVE PLAN AND LAND USE MAP AND TRANSPORTATION PLAN FOR THE CITY OF VICTOR, IDAHO.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VICTOR, IDAHO:

WHEREAS, the attached Comprehensive Plan and Land Use Map for the City of Victor, Idaho, entitled "ReEnvision Victor Comprehensive Plan", dated January 21, 2021, is hereby adopted;

WHEREAS, adoption of said ReEnvision Victor Comprehensive Plan and Land Use Map is hereby undertaken pursuant to the requirements and procedures set forth in Idaho Statutes, Title 67, Chapter 65, and.

WHEREAS, the attached Transportation Plan for the City of Victor, Idaho, entitled "ReEnvision Victor Transportation Plan", dated January 21, 2021, is hereby adopted;

NOW THEREFORE, be it resolved by the City Council and Mayor of the City of Victor, Idaho, as follows:

1. The ReEnvision Victor Comprehensive Plan dated January 21, 2021, is hereby adopted by the City Council of the City of Victor, Idaho.
2. That the ReEnvision Victor Comprehensive Plan shall supersede the May 27, 2015 Comprehensive Plan and Land Use Map
3. The ReEnvision Victor Transportation Plan dated January 21, 2021, is hereby adopted by the City Council of the City of Victor, Idaho.
4. That a paper copy of the ReEnvision Victor Comprehensive Plan, the ReEnvision Victor Transportation Plan and the maps contained within the plans shall be reproduced in full scale and kept on file in the records of the Victor City Clerk and made available to the public for viewing;
4. That the ReEnvision Victor Comprehensive Plan, dated January 21, 2021, and the ReEnvision Victor Transportation Plan, dated January 21, 2021, shall be in effect within the jurisdiction of the City of Victor, Idaho and its Areas of City Impact from and after February 24, 2021.

This resolution shall be in full force and effect after its passage, approval, and publication according to law.

PASSED by the Victor City Council and APPROVED by the Mayor this 24<sup>th</sup> day of February, 2021.

ATTEST:

\_\_\_\_\_  
Will Frohlich, Mayor

\_\_\_\_\_  
Michelle Smith, City Clerk

Attachment: ReEnvision Victor, City of Victor Comprehensive Plan  
ReEnvision Victor, City of Victor Transportation Plan

THE CITY OF VICTOR, IDAHO  
**ORDINANCE O578**

AN ORDINANCE OF THE CITY OF VICTOR, IDAHO AMENDING AND RESTATING TITLE 9 OF THE VICTOR CITY CODE, REGARDING THE COMPREHENSIVE PLAN AND ESTABLISHING AN EFFECTIVE DATE,

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF VICTOR, COUNTY OF TETON, STATE OF IDAHO:**

**WHEREAS**, The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of the city and the area of city impact by fulfilling the purposes and requirements of the Local Planning Act of 1975.

**WHEREAS**, This title is adopted pursuant to the authority granted by the Local Planning Act of 1975 and the City's constitutional police powers. It fulfills the requirements of the Local Planning Act, and

**WHEREAS**, A public hearing was held before of the Planning & Zoning Commission, in the manner and the form as prescribed by the Ordinance and Statute, and

**WHEREAS**, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Planning & Zoning Commission recommended the approval of the updated Comprehensive Plan for the City of Victor, titled “ReEnvision Victor Comprehensive Plan”, and

**WHEREAS**, the City Council has considered the recommendation as submitted by the Planning & Zoning Commission at a public hearing, in the manner and the form as prescribed by the Ordinance and Statute, and has determined that the approval criteria for a Legislative Review have been met.

**WHEREAS**, as a result of said hearing the City Council adopted the “ReEnvision Victor Comprehensive Plan”, dated January 21, 2021, as the long range plan of the City of Victor by approval of Resolution R537.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR IDAHO:**

**SECTION 1:** That Title 9 Comprehensive Plan of the Victor City Code be amended and restated as follows and enforced as such.

9-1-1: Adoption of Plan

9-1-1: ADOPTION OF PLAN: The comprehensive plan for the city of Victor dated October, 1990, updated in 1994, 2006, 2015, and rewritten in 2021 approved by Resolution R357, a paper copy of said Comprehensive Plan shall remain on file in the office of the city clerk/treasurer, is hereby adopted as the long range plan for future developments of the city. ( 02-~~24~~-21 ORD O578)

**SECTION 2.** All ordinances, resolutions, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

**SECTION 3.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**PASSED BY THE COUNCIL OF THE CITY OF VICTOR, IDAHO, this 24th day of February 2021.**

**APPROVED BY THE MAYOR OF THE CITY OF VICTOR, IDAHO, this 24th day of February 2021.**

ATTEST:

\_\_\_\_\_  
Will Frohlich, Mayor

\_\_\_\_\_  
Michelle Smith, City Clerk

**NOTICE AND PUBLISHED SUMMARY  
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

**CITY OF VICTOR ORDINANCE NO. 0578  
AN ORDINANCE OF THE CITY OF VICTOR, IDAHO**

THE PRINCIPAL PROVISIONS OF THIS ORDINANCE AMENDING AND RESTATING  
TITLE 9 OF THE VICTOR CITY CODE, REGARDING THE COMPREHENSIVE PLAN AND  
ESTABLISHING AN EFFECTIVE DATE

The principal provisions of this ordinance are as follows: To adopt the update ReEnvision Victor Comprehensive Plan after a year long public out reach and development process.

A copy of the full text of the Ordinance are available at City Hall, 32 Elm Street, Victor, Idaho. Examination or copies may be requested in writing or in person during regular business hours of the City Clerk, pursuant to Idaho Code § 50-901A(4). The effective date of the Ordinance is the date of its passage, approval and publication.

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City of Victor  
Mayor and City Council  
By: Michelle Smith, City Clerk

First Reading: \_\_\_\_\_, 2021  
This Ordinance was adopted after first reading pursuant to Idaho Code § 50-902

**STATEMENT OF VICTOR CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY OF ORDINANCE NO. 0578**

The undersigned, Herbert J. Heimerl III, City Attorney of the City of Victor, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. 0575 of the City of Victor, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Herbert J. Heimerl III  
City Attorney



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6507. THE PLANNING PROCESS AND RELATED POWERS OF THE COMMISSION. As part of the planning process, a planning or zoning commission shall provide for citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and implementation. The commission may also conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations. As part of the planning process, the commission shall endeavor to promote a public interest in and understanding of the commission's activities.

The commission may, at any time, make recommendations to the governing board concerning the plan, planning process, or implementation of the plan.

With the consent of the owner, the commission and its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

The commission may perform such additional duties as may be assigned by the governing board.

The commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

History:

[67-6507, added I.C., sec. 67-6507, as added by 1975, ch. 188, sec. 2, p. 515.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

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## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6508. PLANNING DUTIES. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) 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.

(b) Population – A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

(c) School Facilities and Transportation – An analysis of public school capacity and transportation considerations associated with future development.

(d) Economic Development – An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

(e) Land Use – An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

(f) Natural Resources – An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(g) Hazardous Areas – An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(h) Public Services, Facilities, and Utilities – An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools,

public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

(i) Transportation – An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor and other related transportation facilities.

(j) Recreation – An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(k) Special Areas or Sites – An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(l) Housing – An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

(m) Community Design – An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(n) Agriculture – An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.

(o) Implementation – An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

(p) National Interest Electric Transmission Corridors – After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.

(q) Public Airport Facilities – An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and

future planned airport development and infrastructure needs, and the economic impact to the community.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

History:

[67-6508, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 2, p. 831; am. 1994, ch. 212, sec. 1, p. 669; am. 1994, ch. 245, sec. 2, p. 765; am. 1995, ch. 181, sec. 4, p. 666; am. 1995, ch. 305, sec. 1, p. 1054; am. 1996, ch. 201, sec. 1, p. 622; am. 2007, ch. 186, sec. 2, p. 543; am. 2011, ch. 89, sec. 2, p. 193; am. 2014, ch. 93, sec. 4, p. 255.]

How current is this law?

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## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) 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.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]

How current is this law?

**Search the Idaho Statutes and Constitution**