



A REQUEST FOR A SPECIAL USE PERMIT
FOR: Wendorff Event Center
WHERE: 9885 Pine Ridge Ranch Rd, Victor
Prepared for the Board of County Commissioners
Public Hearing of March 11, 2024

LANDOWNER/APPLICANT: David and Kristen Wendorff

REQUEST: The Wendorffs have applied for a Special Use Permit on June 8, 2023. The Wendorffs own Lots 1, 3, and 4 of Pine Ridge Ranch Subdivision totaling 13.53 acres. The SUP is designated for the parcel located at 9885 Pine Ridge Rd, Victor (Lot 4) to utilize an existing 1,700 sqft barn to host events and retreats.

Approval of a Special Use Permit would allow the applicant to have events of 50 people or less without additional permitting. Any events of 100 attendees or more (to the capped number) will require a Temporary Use Permit (TUP). This is an administrative process and an application for Major Temporary Use permit will require noticing of neighbors within 300 ft of the property. Currently the LDC does not have a limit to TUP applications per year.

APPLICABLE COUNTY CODE: Teton County Land Development Code Section 4-8 and Section 3-2; Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

LEGAL DESCRIPTION: RP00060000040; RP00060000010; RP0006000030 – all development on Lot 4 Pine Ridge Ranch Addendum Plat SEC 17 T3N R45E

LOCATION: 9885 Pine Ridge Ranch Rd, Victor

ZONING DISTRICT: RA-35 Rural Agriculture

PROPERTY SIZE: 13.53 acres



Figure 1. Vicinity Map; Subject Parcel Highlighted in Yellow

PROJECT BACKGROUND & Review History:

Pre Application Conference: A pre-application conference was held in March of 2023.

Planning and Zoning Commission Hearing:

The application was initially scheduled for a PZC Hearing on August 9, 2023 but was incorrectly noticed (the buffer was only around the developed parcel for the 300'). Therefore it was entirely re-noticed for the September 12, 2023 hearing. The Planning & Zoning Commission met on September 12, 2023 to review the Wendorff Special Use Permit but was adjourned early due to a medical emergency and continued to October 10, 2023.

The PZC reviewed and recommended approval of the Special Use Permit on October 10, 2023 with the following motion including the conditions listed the staff report:

MOTION: *Having reviewed the application materials for Wendorff Special Event Facility SUP, as well as the additional material provided by staff and other agencies; I hereby move to recommend APPROVAL to the Teton County Board of County Commissioners, having found that the application meets the criteria found Teton County Land Development Code Section 4-8 and Section 3-2 with the recommended conditions in the staff report as well as the following condition: 1) No more than 10 events with 50 people or less and no more than 2 events for up to 100 people.*

The Commission also recommend the applicant host a neighborhood meeting prior to scheduling the BoCC hearing.

| | |
|----------------|---|
| RESULT: | ADOPTED |
| MOVER: | Lindsey Love SECONDER: Wade Kaufman |
| AYES | Tim Watters, Rebecca Nolan, Wade Kaufman, Tyler Wertenbruch |
| NAYES | Lindsey Love, James Weber |
| ABSTAIN | None |

Staff Comment: *In the October 10, 2023 the Wendorff Special Use Permit was recommend for approval by the PZC with a number of recommended conditions. Chair of the PZC, Tim Waters, found an error in the minutes – that the recommended conditions of approval were not accurately reflected in the meeting minutes, and those inaccurate minutes were subsequently approved by the P&Z Commission in the January 9, 2024 meeting. Please be advised that the P&Z Commission will vote to amend the minutes for the March Meeting. This does not change the motion that was made by the PZC on October 10, 2023.*

To: Teton County Idaho Board of County Commissioners
From: Tim Watters
Chair, Teton County Idaho Planning and Zoning Commission

Date: February 29, 2024

RE: Wendorff Special Use Permit Application

Commissioners,

In the October 10, 2023 Planning and Zoning Commission Public Hearing, a motion to approve the Wendorff Special Use Permit was approved with a number of recommended conditions for your consideration. Those additional conditions were not accurately reflected in the meeting minutes produced after our meeting. Those inaccurate minutes were subsequently approved by the P&Z Commission in our January 9, 2024 meeting. I understand those minutes have been included in the information package produced for your upcoming review of the Wendorff Application, scheduled for March 11, 2024.

Please be advised that the P&Z Commission will correct the minutes in our March Meeting. In the meantime, it's important that you have an accurate picture of the conditions suggested as you consider the application.

For clarification, the motion approved by the P&Z Commission included the recommended conditions suggested by Staff as well as the following additional conditions suggested by the P&Z Commission:

1. Annual Event Number Limitation - No more than 10 events shall be held each year with less than 50 people and no more than 2 events per year with more than 100 people.
2. Review after One Year - Staff will review the SUP one year after approval for renewal
3. Property Sale - the SUP is not transferrable if the property is sold
4. Noise Restriction - No event shall exceed 70 decibels of sound at the property border
5. EMP - An Emergency Medical Plan should be provided before BOCC review
6. Event Type - One quarter of all events should benefit Teton Valley non profits

Respectfully,

Tim Watters

Chair, P&Z Commission

CONDITIONS OF APPROVAL from the Staff Report

1. No more than 10 events shall be held each year with less than 50 people and no more than 2 events per year with more than 100 people.
2. Maximum capacity of all events hosted shall be 50. Any event larger than 50 people will require a Temporary Use Permit in addition to this Special Use Permit.
3. Lighting: Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of the LDC, Section 4-8. Teton County Dark Sky Ordinance should also be enforced.
4. Onsite Inspection: The planning administrator may determine that there is a need for an inspection at any time. *All standards of Section 4-8 (Special Use Permits) and Section 3-16-3 (Special Event Facility) must be in compliance at all times to maintain the SUP.*
5. The Planning Administrator may revoke a SUP if conditions of approval are not met in future inspections. Owner may appeal a revocation to the BoCC.
6. Event signage should be used to direct guests to the event using County Roads. All event invitations should include standard driving and parking directions (to be accessed from W 10000 S).

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on February 21, 2024 and February 28, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on February 14,

2024. A notice was also posted on the property providing information about the public hearing on February 28, 2024.

PUBLIC COMMENT:

Staff has received many public comments. Comments address concerns regarding traffic, time of application, lighting, road maintenance, plowing, code compliance, zoning/use, meeting minimum lot size, solid waste management, wastewater, noise, parking, crowds, car congestion, general impacts, access, impacts on infrastructure, and migration corridor. There are over 114 pages of public comment attached to this staff report.

INTER-AGENCY AND DEPARTMENT REVIEW:

Eastern Idaho Public Health: EIPH has approved the existing septic system which was approved in June of 2021. The kitchen does not meet commercial food establishment requirements. Food should be catered by licensed individuals or private entities.

Teton County Fire Marshal: Approved. A fire department site inspection shall be conducted on the barn building before any events are scheduled. Maximum occupancy of the class A building shall not exceed 150 capacity without further review of fire suppression needs.

Teton County Public Works Director: Public Works submitted a revised review on February 27, 2024 indicating that access to the property is off of County Road W 10000S. A condition of approval to consider is improving W 10000 S to Local Road Standards from Little Pine Lane to Pine Ridge Ranch Road.

Forest Service: Concern was noted regarding proximity to the National Forest boundary and ensuring a higher level of fire wise construction and layout due to the potential for wildfire influence from the National Forest. The Forest will rely on the Fire District to help the developer and county with this need/requirement.

Staff comment: This barn is already constructed and vegetation management was encouraged.

SECTION 4-8-E REVIEW CRITERIA FOR SPECIAL USE PERMITS

The following findings of fact shall be made if the Special Use is approved. If the application is being recommended for denial, the PZC should likewise specify the reasons for recommended denial based on the items listed below.

1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards

Applicant Comment:

No comment.

Staff Comment:

Application is in compliance with Chapter 5 of the LDC.

2. Meets special use standards set forth by category of use in Chapter 3

Applicant Comment:

No comment.

Staff Comment:

All requirements of 3-6-13 appear to have been met, listed below.

SPECIAL USE STANDARDS FOR SPECIAL EVENT FACILITY 3-6-13

1. Minimum lot size for special event facilities shall be five (5) acres.
 - a. *Staff comment: Applicant owns total of 13.53 acres. If the applicant ever owned less than 5 acres, the SUP would become void.*
2. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(F).
 - a. *Staff comment: parcels will accommodate parking. Parking must be arranged so that the turnaround and emergency access is always accessible.*
3. All surface parking areas must be landscaped in accordance with Chapter 5, Section 6, Driveways, Parking, and Access.
 - a. *Staff comment: photos of existing landscaping shows compliance.*
4. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
 - a. *Staff comment: complies in narrative and will be included as a condition of approval.*
5. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
 - a. *Staff comment: could comply and listed in conditions of approval.*
6. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
 - a. *Staff comment: applicant has received approval from EIPH.*
7. A Type A Buffer per Chapter 5, Section 7 must be established along all lot lines abutting a ground floor residential use.
 - a. *Staff comment: photos of existing landscaping shows compliance.*
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.
 - a. *Staff comment: applicant has submitted approval letter. Capacity is set at 150 as a maximum number of attendees/guests including staffing and owners.*
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
 - a. *Staff comment: applicant does not have commercial kitchen. All food will be catered.*
10. The special event facility shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
 - a. *Staff comment: Complies. Fire Marshal may need to review the class occupancy of the building and complete a site visit. This would occur as part of the use change of the building permit.*

11. The Fire District, Public Health District, and Teton County Planning Department shall be permitted to perform inspections as in any other business.
 - a. *Staff comment: Complies.*

12. A permanent structure on a foundation shall be required for all special event Facilities to house restrooms, food preparation, and sanitation facilities at a minimum.
 - a. *Staff comment: The existing barn is a permitted, existing building. The Building Department will require a change of use be applied for the existing permit.*

13. A commercial kitchen facility requires additional review and approval from EIPH. Applicant is responsible for any fees associated with reviews.
 - a. *Staff comment: complies.*

14. There shall be no overnight lodging at any special event Facility.
 - a. *Staff comment: narrative complies. Also noted as a consideration for an additional condition of approval.*

15. Special events which meet the descriptions of Section 3-10-2 require a Temporary Use permit.
 - a. *Staff comment: complies.*

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

Applicant Comment:

Application states that they are attentive to their neighbors and residents of Hidden Waters Subdivision. Applicant is willing to notify neighbors of events and make efforts to direct traffic efficiently.

Staff Comment:

Surrounding area is mostly zoned RA Rural Agriculture 35-acre average density, including Hidden Waters PUD to the west and north. Driving directions requesting access from W 10000 S is a recommended condition of approval. The narrative does not include information about seasonality of events. W 10000 S is not a plowed County road – confirmation of winter access is requested.

4. 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.

Applicant Comment:

No comment.

Staff Comment:

In its first review, Staff did not believe there will be any undue burden on existing public services/facilities. The recent review of W 10000 S by Public Works (dated February 2024 and attached) is a concern if the road is not to standards that would facilitate necessary services.

5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics

Applicant Comment:

No comment.

Staff Comment:

Application complies with use proposed and staff believes proposal is compatible in this area with conditions.

6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

Applicant Comment:

No comment.

Staff Comment:

Staff does not believe there will be any undue burden on the affected area if appropriately conditioned. The barn is existing, and the owners of this lot own the surrounding parcels. Conditions to mitigate potential impacts have been suggested below and additional recommended by the PZC. Considerations for W 10000 S are also listed below.

Considerations:

- It appears, per Public Works' updated review that W 10000 S is not to County Local Road Standards. Further it is not on the County plow map, so confirmation is needed for winter access.
- Review Criteria 14 for a Special Use Permit: There shall be no overnight lodging at any special event Facility. Staff noted this as "applicant's narrative complies." A condition of approval might be confirming this applies to the entire property.
- PZC discussion included the following items that were not formally recommended as conditions of approval in the final motion but were intended to be (see letter attached from Chair Watters):
 - Annual Event Number Limitation - No more than 10 events shall be held each year with less than 50 people and no more than 2 events per year with more than 100 people.
 - Review after One Year - Staff will review the SUP one year after approval for renewal
 - Property Sale - the SUP is not transferrable if the property is sold
 - Noise Restriction - No event shall exceed 70 decibels of sound at the property border
 - EMP - An Emergency Medical Plan should be provided before BOCC review (*Staff comment: Applicant did not submit an Emergency management plan – if requested, this item would require clarity on the components*)
 - Event Type - One quarter of all events should benefit Teton Valley non profits

Conditions of Approval:

1. No more than 10 events shall be held each year with 50 people or less and no more than 2 events per year up to 100 people.
 - a. Maximum capacity of all (10) events hosted shall be 50. Any event larger than 50 people will require a Temporary Use Permit in addition to this Special Use Permit.
2. Lighting: Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of the LDC, Section 4-8. Teton County Dark Sky Ordinance should also be enforced.
3. Onsite Inspection: The planning administrator may determine that there is a need for an inspection at any time. *All standards of Section 4-8 (Special Use Permits) and Section 3-16-3 (Special Event Facility) must be in compliance at all times to maintain the SUP.*
4. The Planning Administrator may revoke a SUP if conditions of approval are not met in future inspections. Owner may appeal a revocation to the BoCC.
5. Event signage should be used to direct guests to the event using County Roads. All event invitations should include standard driving and parking directions (to be accessed from W 10000 S).
6. TC Building Department will require a change of use/occupancy class for the building permit. The Fire Marshal will also need to review this.

BOARD OF COUNTY COMMISSIONERS ACTION:

- A. Approve the SUP, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the SUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the SUP application request and provide the reasons and justifications for the denial.
- D. Continue to a future BoCC Public Hearing with reasons given as to the continuation or need for additional information.
- E. Table for a future BoCC meeting with reasons given to the continuation or need for additional information from the applicant or agency

The following motions could be given:

APPROVAL:

Having reviewed the application materials for the Wendorff Event Center SUP, as well as the additional materials provided by staff and other agencies, and having found that the application meets the criteria found Teton County Land Development Code Section 4-8 and Section 3-2 with the recommended conditions (as well as the following conditions...), I hereby move to APPROVE the SUP application.

CONTINUE:

*Having reviewed the application materials for Wendorff Event Center SUP, as well as the additional material provided by staff and other agencies; I hereby move to continue the public hearing to a **specific future specific date and time** to consider additional information or studies requested from the applicant or agencies.*

****TABLE:***

Having reviewed the application materials for Wendorff Event Center SUP, as well as the additional material provided by staff and other agencies; I hereby move to table the public hearing to receive additional information or studies requested from the applicant or agencies.

DENIAL:

Having reviewed the application materials for the Wendorff Event Center SUP, as well as the additional material provided by staff and other agencies; I hereby move to DENY the Wendorff Event Center SUP, having found that the application does not meet the criteria found in Teton County Land Development Code Section 4-8 and Section 3-2.

Prepared by:

Torin Bjorklund, Associate Planner
Jade Krueger, Planning Administrator

Attachments:

- | | |
|-------------------------------------|-------------------------------------|
| A) Application (6 pages) | G) Photos (4 pages) |
| B) Narrative (3 pages) | H) Fire Marshal Review (1 page) |
| C) Supplemental narrative (5 pages) | I) Forest Service Comment (2 pages) |
| D) Site Plan (2 pages) | J) Public Comments (114 pages) |
| E) EIPH Letter (2 pages) | K) David Wendorff Emails (10 Pages) |
| F) Public Works Comment (1 page) | L) PZC Chair Letter (1 Page) |

End of Staff Report

