



A REQUEST FOR A SPECIAL USE PERMIT
FOR: Wendorff Events/Retreat
WHERE: 9885 Pine Ridge Ranch Rd, Victor
 Prepared for the Planning and Zoning Commission
 Public Hearing of October 10, 2023

LANDOWNER/APPLICANT: David and Kristen Wendorff

REQUEST: The Wendorffs have applied for a Special Use Permit on 13.53 acres located at 9885 Pine Ridge Rd, Victor, to utilize an existing 1700 sq. ft. barn to host events and retreats. This barn is located within lot 4 of Pine Ridge Ranch Subdivision. Lots 1 and 3 are also owned by the Wendorffs totaling 13.53 acres for this proposal. This parcel is completely within Big Game Migration Corridors and Hillside Overlay after the January 2023 Natural Resource Overlay update. The application was initially scheduled for August 9 PZC but was incorrectly noticed (the buffer was only around the developed parcel for the 300'). Therefore it was entirely renoticed for the September hearing. The hearing in September was then postponed due to a medical emergency and rescheduled for October 10, 2023.

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; RP00060000030 – 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

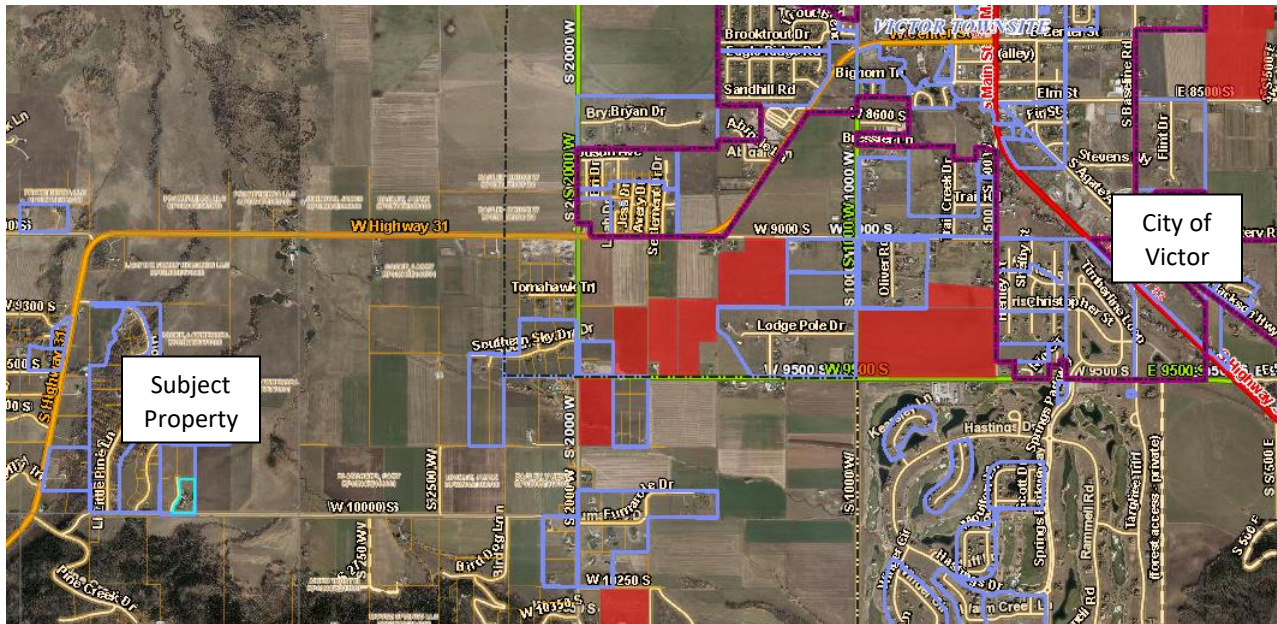


Figure 1. Vicinity Map



Figure 2. Aerial Image

PROJECT DESCRIPTION AND BACKGROUND:

The applicant submitted an application for the proposed SUP on June 8, 2023. A pre-application conference was held in March of 2023. Pine Ridge Ranch subdivision is located east of the city of Victor, accessed by W 10000 S. The application is requesting approval of the SUP in order to host events in the existing barn. The property has an existing and permitted 1700 sq ft barn as well as a single-family dwelling with detached garage.

Approval of a Special Use Permit will 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.



Figure 4. Photo of Property

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: No concerns on application. Asked that they organize parking so that emergency access and turnaround is available.

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.*

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 September 20, 2023 and September 27, 2023. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on September 6, 2023. A notice was also posted on the property providing information about the public hearing on September 25, 2023.

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 was one comment received in favor of the application.

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

The following findings of fact shall be made if the Conditional 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 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. *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). *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. *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 *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. *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. *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. *Staff comment: photos of existing landscaping shows compliance.*
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal. *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. Chapter 3 – Use Provisions 3-36 *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. *Staff comment: complies.*
11. The Fire District, Public Health District, and Teton County Planning Department shall be permitted to perform inspections as in any other business. *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. *Staff comment: The existing barn is a permitted, existing building.*
13. A commercial kitchen facility requires additional review and approval from EIPH. Applicant is responsible for any fees associated with reviews. *Staff comment: complies.*
14. There shall be no overnight lodging at any special event Facility. *Staff comment: complies.*
15. Special events which meet the descriptions of Section 3-10-2 require a Temporary Use permit. *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 accessing from W 10000 S is a condition of approval.

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:

Staff does not believe there will be any undue burden on existing public services/facilities.

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 affected area. The barn is existing, and the owners of this lot own the surrounding parcels. Conditions to mitigate potential impacts have been suggested below.

STAFF RECOMMENDATION:

Planning Staff recommends approving the SUP for the Wendorff Special Event Facility with the listed conditions of approval.

- The PZC should consider an appropriate number of events per calendar year for the event center to host as well as a number of TUPs allowed per calendar year (events that are 100 people to 150 people).

CONDITIONS OF APPROVAL

1. 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.
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).

PLANNING & ZONING COMMISSION ACTION:

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

The following motions could be given:

RECOMMEND APPROVAL:

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 (as well as the following conditions...)

CONTINUE:

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 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 Wendorff Special Event Facility 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.

RECOMMEND DENIAL:

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 DENIAL to the Teton County Board of County Commissioners, having found that the application does not meet the criteria found in Teton County Land Development Code Section 4-8 and Section 3-2. The following steps might be taken to obtain a future approval...

Jade Krueger, Planning Administrator
Prepared by Claire Lazes, Assistant Planner

Attachments:

- A) Application (6 pages)
- B) Applicant’s narrative (2 pages)
- C) Site Plan (2 pages)
- D) EIPH Letter (2 pages)
- E) Public Works Comment (1 page)
- F) Photos (4 pages)
- G) Fire Marshal Review (1 page)
- H) Forest Service Comment (2 pages)
- I) Public Comments (62 pages)

End of Staff Report