TETON COUNTY

PLANNING & ZONING COMMISSION

PUBLIC HEARING

August 11, 2026
5:00 p.m.
Commissioners' Meeting Room
150 Courthouse Dr, 1st Floor
Driggs, ID 83422

Members Present:	Collin Hunter Carl Kohut James Weber Wyatt Penfold Tom Braun Maggie Martin Harley Wilcox
Staff Present:	Sharon Fox Joshua Chase Dan Leeman

A. Approval of Minutes

MOVER: James Weber
SECONDER: Carl Kohut

I move to approve the Minutes from July 14, 2026.

AYES (7): Collin Hunter, Carl Kohut, James Weber, Wyatt Penfold, Tom Braun, Maggie Martin, and Harley Wilcox

Adopted (7 to 0)

B. Chairman Business

There was no Chairman business.

C. Administrator Business

Mr. Chase informed the public that the Rodman-Wojas Zone Change application has been withdrawn.

Mr. Chase also informed the Commission that there is a proposal to put a Scenic Corridor on the work session agenda due to the application non-compliance with the height requirements in the LDC. The Commission had no issues with that.

D. Action Items

1. 5:00 PM PUBLIC HEARING: THH LLC Thomas Hedges - LDC Amendment Request

Mr. Chase reviewed the history of the first time the application was submitted to increase the number of allowed guests and to allow special events. It was denied by the Planning Commission and it moved forward to the BoCC. When it was heard by the BoCC they asked the applicant to make some changes to the application and bring it back. On advice from legal counsel the application has come back to the Planning Commission to see the changes that were made since the first Planning Commission hearing.

Mr. Chase expressed concerns with approval through a Limited Use Permit because that is an administrative approval process and changes to the LDC affect all land owners in the County. He handed out a map to the Commission that showed how many parcels would be affected by the changes requested. He wanted the input from the Commission on all of the other parcels that would qualify for the expanded Dude/Guest Ranch land use.

Mr. Wilcox asked if there were any other guest ranches operating other than Moose Creek and Linn Canyon. Mr. Chase said he was not aware of any but there have been 3 or 4 inquiries in the recent past. Mr. Weber asked if the Fire Marshal had any concerns. Mr. Chase commented that he would be involved when Moose Creek applies for a building permit for new structures. Mr. Kohut wanted to confirm it was a SUP application process and Mr. Chase stated that was his recommendation. Mr. Kohut also asked if "guest unit" had been defined. Mr. Chase commented that it was his understanding that they meant it to represent lodging for 2 people.

Ms. Jen Zung with Harmony Design, representing the applicant, commented they made changes to their application based on the input from the Planning Commission and the BoCC. She stated that they were proposing to have a SUP required for all zones in the new application. She then read their proposed definition of a "guest unit" and that 40% of the units would be in a physical structure like the lodge building rather than all tents or glamping units. She noted that they would be providing a Master Plan when they come back for a SUP application.

Mr. Braun asked if a guest unit was a two bedroom unit or a one bedroom unit with two beds. Mr. Hedges, applicant, commented it was intended as one person per bed so 2 beds per guest unit. Ms. Zung commented they also increased the open area from 20% to 50% based on comments

received from both boards. They use the acreage to determine the number of units and then they will cluster them on 50% of the property.

PUBLIC COMMENTS:

Mr. Doc Frangos, homeowner and neighbor of Moose Creek Ranch, requested a denial to the proposed amendment to the LDC. He was concerned with going from 3.5 guests per unit to up to 10 guests per unit. He read information from the Moose Creek website that advertises how many people can occupy each different type of unit. All of them offer more beds than two per unit. He was also concerned with environmental impacts on Moose Creek and floodplain in the area.

Mr. Bill Hurt, residence in the neighborhood of Moose Creek, wanted to see the application denied feeling it was similar to the Under Canvas application that was denied. He felt that there was no reason to have a hotel operation in such a sensitive area. He commented that there was once a care facility operating on this spot and questioned the real grandfathered use on this parcel.

Mr. Ed McGinn, resident on Kestral Hill Road, commented they should not be changing the LDC because a business wants more cash flow. He was concerned with the out of state owner who is trying to change the operation so he can increase the cash flow and make it more valuable to sell it. He was also concerned with the traffic and the lack of turn lanes on the intersection of Hwy 33 and Old Jackson Hwy.

Ms. Theresa Lerch, resident near Moose Creek Lodge, brought a photo of the sign on Old Jackson Highway that shows pedestrians and animals share the road with cars. She was very concerned with having a restaurant that is open to the public that is not in the downtown areas. She was concerned with the fire hazard from so many units with kitchens in them and no fire pond or fire hydrant available to fight a fire. She asked the Commission to deny the application.

Ms. Chrissy Ford, resident in the Moose Creek area, was also concerned with the "guest unit" interpretation and the need for increased staff to accommodate the large increase in capacity for Moose Creek. She was also concerned with the increased traffic and the lack of required road improvements. She asked the Commission to deny the application.

Ms. Niki Richards with VARD read the approval criteria and did not feel the application met the required criteria. She was concerned with the impacts on wildlife, traffic impacts, and increased potential for fires. Another concern expressed was allowing the restaurant to be open to the public and wanted to see the application denied.

Ms. Anne Callison, local resident, was concerned with changing the LDC for a single property owner rather than involving the entire county to discuss the changes to the LDC and the Comp Plan.

APPLICANT REBUTTAL:

Ms. Zung commented it is not about just Moose Creek Ranch. It would involve lots of other potential parcels and each would require a SUP application in order to be allowed to open a Dude Ranch and that is when specific requirements can be discussed based on the location.

Mr. Jeff Bower, applicant attorney, commented this is not a proposal for only one site and the BoCC has the power to make a LDC change at any time for any reason. He also stated they do not have to meet the criteria for Comp Plan changes as suggested by VARD, it is only a LDC amendment. Therefore, it doesn't have to meet all those criteria. Regarding the unit count, it was requested by the BoCC to define that and they have defined it as a sleeping area that allows 2 people.

COMMISSION DELIBERATION:

Mr. Penfold commented that the request is for a LDC change, not just one property, which opens up the potential for numerous other Dude Ranch applications. He read the areas to be discussed requested by BoCC member Dan Powers in his Memo to the Planning Commission that included the expanded use of the restaurant, the increased fire risks, the guest unit definition, and the density requested.

Mr. Wilcox commented that the designation requires an approved SUP application based on the actual site and the Commission can require a reduced number of units if there are reasons based on the particular site. Mr. Wilcox did not think there would be a large demand for Dude Ranches in the valley even though there are a large number of parcels that could meet the criteria. He felt the definition should be expanded and then it can be discussed based on site specific requests.

Mr. Kohut commented he was in favor of the change to require a SUP for a Dude Ranch designation in order to have more control and flexibility with site specific requests. He suggested having two different levels for applications that kept the LUP requirement for small projects and a 2nd level review for larger requests that would require an SUP application for approval.

Mr. Braun was concerned they are trying to turn a Dude Ranch into something else that is more of a guest ranch. He did not want to see such a broad application and such high density. He did not feel an RV park should be considered a Dude Ranch designation. He was concerned with the public restaurant, eliminating the numerical restrictions on special events, and increasing the density 10 fold.

Ms. Martin commented she was concerned that this was a site specific request for increased lodging rather than operating a Dude Ranch. Mr. Wilcox commented that passing the amendment to the LDC doesn't grant approval to Moose Creek Ranch. They would then have to apply for a

SUP in order to qualify for the designation. Mr. Hunter felt the business owner has insight into the operation of a guest or dude ranch more so than the public would.

Mr. Weber commented he did not feel that the changes meet the criteria for approval they are basing it on. He felt criteria #2, #3 ,#4 and #7 specifically were not met.

Mr. Wilcox commented this should be considered as a LDC change, but anyone wanting to apply for a Dude Ranch would be required to apply for a SUP and that could still be denied or reduced in scale if the location dictates it.

Mr. Penfold suggested leaving the Dude Ranch designation as is and add a Guest Ranch category that would involve more detailed requirements, which could be discussed and presented during a work session. He also suggested reducing the density to 45 rooms and increase the open space requirements.

MOVER: Carl Kohut
SECONDER: Harley Wilcox

Having found that the review criteria in LDC 4-4-F can be met with conditions or modifications, I move to recommend approval of the ordinance to amend the LDC to modify the Guest/Dude Ranch use as presented in the staff report and materials attached, with the following modifications or conditions:

1. The uses are divided into Dude Ranch maintaining the current Dude/Guest Ranch code and Guest Ranch which adopts the proposed changes;

2. The density is reduced to 45 rooms or 90 bed maximum;

3. EIS & TIS have established thresholds as to when they are required;

4. Open space be limited to 60% minimum;

5. Provisions for employee housing units are adopted; and

6. Consider public comment.

AYES (4): Collin Hunter, Carl Kohut, Wyatt Penfold, and Harley Wilcox

NAYS: (3): James Weber, Tom Braun, and Maggie Martin

Adopted (4 to 3)

2. <u>5:30 PM PUBLIC HEARING: Spud Drive-In Special Use Permit</u>

Mr. Leeman reviewed the application for a SUP for the Spud Drive-In to restore the historic drive-in, utilizing the property as an open air facility to hold special events. He reviewed the comments from other agencies and the public comments received.

Ms. Jen Zung with Harmony Engineering, representing the applicant, discussed the definition of a drive-in theater to include other events that could be accommodated by the number of cars allowed. She reviewed the proposed site plan with a larger restaurant, a new entrance on a private road separate from the access on the highway, an area for camping that is already an approved use, the proposed theater hours, potential uses during the week during the day such as a farmers market, a parking limit that will trigger a TUP for any event.

Mr. Jeff Bower, representing the applicant, talked about the LDC definition of special events.

PUBLIC COMMENT:

Mr. Michael Brown, adjacent land owner, was concerned with the vague language of a special event and the noise associated with some events that will impact adjacent residential properties. He was also concerned with the hours of operation being open until midnight if it is a concert.

Mr. Wade Kaufman, local resident, wanted to see the drive in movie feature approved but not special events that may or may not be appropriate for families.

Mr. Doug Self with the City of Driggs, commented the will-serve letter for a sewer connection will be addressed at their next meeting because the current letter expired. He also voiced concerns from the Mayor over the full serve restaurant open to the public and the traffic impact the increased activities will generate without consideration for a turn lane.

Niki Richards with VARD commented they support approval of the application feeling that the application complies with the majority of the LDC requirements. She was concerned with the unlimited special events and did feel that should be something allowed with a TUP. She wanted to see the drive-in theater approved with limits on the other events.

APPLICANT REBUTTAL:

Mr. Tom Hedges, applicant, commented that were looking for small local bands rather than large musical events.

COMMISSION DELIBERATION:

Mr. Penfold asked how many parking spaces there were. Ms. Zung commented there is 229 spaces. Ms. Martin asked about the restaurant operation. Mr. Hedges commented he wanted the restaurant to be open for breakfast for the campers and for any other special parties someone

might want to rent it for. He also stated he did plan on open it up to the public.

Mr. Braun asked if there was a TIS study done that suggested installation of turn lanes on the highway. Mr. Chase commented there was not a TIS done and the comment was from the Director of Public Works. Mr. Braun was concerned on a trigger for a special event permits rather than allowed by right. Ms. Zung commented that they are using a private road for the entrance to allow stacking on the side of the drive-in rather from the front on Hwy 33 in order to avoid the need for turn lanes.

Mr. Penfold was concerned with the inclusions of special events that are not identified by specific type or number. Mr. Braun commented that the trigger seems to be exceeding the number of parking spaces for a trigger for a special event permit and was not sure that was a good measuring tool without knowing how many people would be in each car or what the total capacity would be.

Mr. Penfold wanted to see a definition of special events. Mr. Kohut read the LDC definition of special events. "A temporary, one-time or infrequently occurring event for purposes such as education, meditation, spiritual renewal, meetings, conferences, seminars, craft fairs, carnivals, rodeos, weddings, races, parades, concerts and similar activities which may provide meals, services, and recreation for participants during the period of the retreat or program. Special events can be for or not for profit and occur on private or public property". Mr. Kohut was concered that it leaves a lot of possibilities that won't need a SUP.

Mr. Wilcox wanted to see some traffic impact information based on peak travel times in order to better establish thresholds for events. Mr. Braun wanted to see the frequency of the events as they may be showing movies 7 days a week. Mr. Hunter was in favor of recommending approval with express concerns and recommendations to be worked out prior to the next hearing.

MOVER: Collin Hunter
SECONDER: Harley Wilcox

Having reviewed the application materials for Spud Drive-In theater 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 the follow conditions:

1) Recommended approval conditions items 1 - 14 eliminating #12 because it is covered in #13;

2) On #11 changed Remove City of Driggs approval and change to EIPH; and

3) Staff works with applicant to better define a special event as well as any conditions of approval that may apply to special events including but not limited to ours of operation, numbers of events, noise mitigation, etc.

AYES (7): Collin Hunter, Carl Kohut, James Weber, Wyatt Penfold, Tom Braun, Maggie Martin, and Harley Wilcox

Adopted (7 to 0)

3. 6:00 PM PUBLIC HEARING: Taylor Cook LDC Amendment Request

Mr. Chase explained that there were 2 applications submitted simultaneously. One for a rezone and one for a LDC amendment. This application is for a LDC amendment. He noted that there was 2.5 acre zoning in the area between Victor and Driggs but it was eliminated when the LDC was adopted. He commented that the application was submitted when there was the possibility of Victor having their own sewer treatment facility, but that is no longer a consideration and the City of Driggs is not accepting any new connections between the two cities. Therefore, this site would not be eligible for sewer connections. He noted that there is an area in the LDC regarding transfer of development rights but that chapter has never been established or defined so that option does not yet exist.

Mr. Hunter asked about the capacity of the Driggs system and if new connections would be allowed. Mr. Self with the City of Driggs commented that there would not likely be new potential for hookups between the cities for the next 20 years.

Mr. Taylor Cook, representing the applicant, commented the intent is for land in the comp plan for RN designations to qualify for the 2.5 acre zoning. He reviewed the reasons this application complies with the Comp Plan goals, the need for 2.5 acre lots for affordable housing, and how the proposed change is compatible with the surrounding development. He stated that the application is to correct an error made when the LDC was adopted.

PUBLIC COMMENT:

Ms. Niki Richards with VARD commented the Comp Plan was designed to be changed by involving the entire community. She reviewed the criteria that the amendment would not comply with.

Mr. Doug Self representing the City of Driggs wanted to reiterate that the City of Driggs will not be serving any new connections outside the cities.

He felt this should be a Comp Plan change before it is a LDC change. He also pointed out the RN-5 zone already allows 1 acre lots.

APPLICANT REBUTTAL:

Mr. Cook commented it will be site specific changes not the entire county.

COMMISSION DELIBERATION:

Mr. Braun felt the upcoming Comp Plan update should be used to address this application rather than spot changes based on a specific request. Mr. Weber commented since there is already money allocated to update the Comp Plan this could be part of that process.

MOVER: Carl Kohut
SECONDER: James Weber

Having found that the review criteria in LDC 4-4-F cannot be met, I move to recommend denial of the LDC amendment to add the R-2.5 Acre Zoning District, as presented in the staff report and materials attached for the following reasons:

1. 4-4-F-A the Comp Plan did not need correction in the LDC. Also criteria A, E, G, H.

AYES (3): Carl Kohut, James Weber, and Tom Braun

NAYS: (4): Collin Hunter, Wyatt Penfold, Maggie Martin, and Harley Wilcox

Denied (3 to 4)

MOVER: Collin Hunter
SECONDER: Maggie Martin

Having found that the review criteria in LDC 4-4-F can be met, I move to recommend approval of the LDC amendment to add the R-2.5 Acre Zoning District, as presented in the staff report and materials attached.

AYES (3): Collin Hunter, Maggie Martin, and Harley Wilcox

NAYS: (4): Carl Kohut, James Weber, Wyatt Penfold, and Tom Braun

Denied (3 to 4)

MOVER: Wyatt Penfold
SECONDER: Maggie Martin

Having found that the review criteria in LDC 4-4-F can be met, I move to recommend approval of the LDC amendment to add the R-2.5 Acre Zoning District, as presented in the staff report and materials attached with the following modifications:

1. Adding all zones as sending zones for the transfer of development rights;

2. Striking the words "potential receiving area" and making it "the receiving area" for the transfer of development rights program.

AYES (4): Collin Hunter, Wyatt Penfold, Maggie Martin, and Harley Wilcox

NAYS: (3): Carl Kohut, James Weber, and Tom Braun

Adopted (4 to 3)

4. 6:30 PM PUBLIC HEARING: Wild Water/Teton West School Zone Change

Mr. Chase reviewed the application for a zone change to IR for the Bergmeyer parcel and commented the proposed rezone is in compliance with the Comp Plan.

Mr. Peter Poutiatine, applicant, is looking to establish a new high school in an attempt to improve the educational opportunities in the community. It will be a small, private, independent school for academic college prep and trade classes. He commented they will be improving the property as they establish their school area. He noted the Fire Marshal has visited the site and has no concerns for fire suppression and that there is a fire pond on-site.

PUBLLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

Mr. Weber asked why there was no recommendation for a development agreement to restrict the uses in this location. Mr. Chase commented that could be a requirement if they would like to add it as a condition.

The Commission felt the existing and past uses on the parcel would justify the zone change.

MOVER: James Weber
SECONDER: Harley Wilcox

Having concluded that the Review Criteria of a request for a zoning change found in the Teton County Land Development Code, Section 4-5, can be satisfied, I move to Recommend APPROVAL of a rezone of the Wild Water LLC property to IR Industrial Research as requested in the

application materials submitted June 22, 2026 and subsequent updated material.

AYES (6): Collin Hunter, James Weber, Wyatt Penfold, Tom Braun, Maggie Martin, and Harley Wilcox

Absent (1): Carl Kohut

Adopted (6 to 0)

5. 6:50 PM PUBLIC HEARING: Rodman-Wojas Zone Change - WITHDRAWN

6. Written Decision: Strange Wetland Variance

Mr. Chase presented the Written Decision for the approved Strange Variance.

MOVER: James Weber
SECONDER: Collin Hunter

I move to approve the Written Decision for the Strange Wetland Variance.

AYES (7): Collin Hunter, Carl Kohut, James Weber, Wyatt Penfold, Tom Braun, Maggie Martin, and Harley Wilcox

Adopted (7 to 0)

E. Adjourn

Adjourned at 9:45 PM.

MOVER: James Weber
SECONDER: Collin Hunter

MOTION: *Adjourn*

AYES (7): Collin Hunter, Carl Kohut, James Weber, Wyatt Penfold, Tom Braun, Maggie Martin, and Harley Wilcox

Adopted (7 to 0)