REQUEST FOR A SPECIAL USE PERMIT
FOR: Harmony Engineering c/o MD Spud LLC
WHERE: 2175 S. Hwy. 33
Prepared for the Board of County Commissioners
Public Hearing of September 14, 2026

LANDOWNER/APPLICANT: MD Spud LLC, Harmony Design & Engineering

REQUEST: Harmony Design and Engineering has submitted a Special Use Permit application in care of MD Spud LLC to operate a Drive-In Theater. According to the owner and applicant, the project will bring The Spud back to life, allowing the historic property to continue serving the community's residents and visitors. This proposal was made possible through a recent citizen-initiated code change process that amended LDC Sections 3-2-2 and 3-6 to create a new land use in Teton County for "Drive-In Theaters."

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: The Property consists of RP04N45E111200 and RP04N45E111254 and a portion of RP04N45E111253 totaling approximately 8.49 acres
LOCATION: The Property, located south of the City of Driggs, abuts the east side of State Highway 33 approximately 1/4 mile south of W 2000 S.
ZONING DISTRICT: RN-5 Rural Neighborhood
PROPERTY SIZE: 8.49 acres

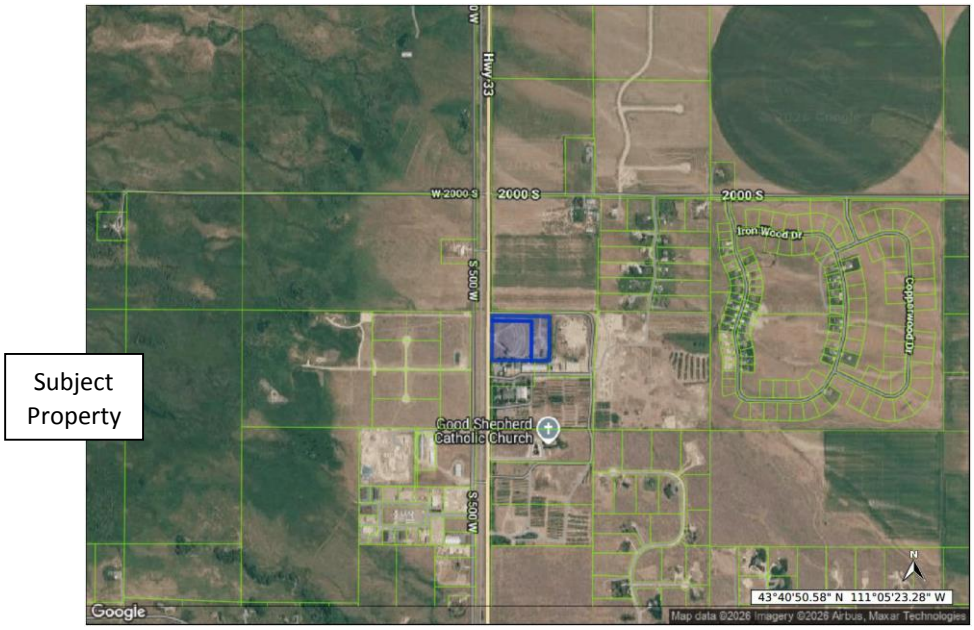


Figure 1. Vicinity Map

PROJECT DESCRIPTION AND BACKGROUND:

The applicant submitted an application for the proposed SUP on June 25, 2026. The Planning and Building Department held a pre-application conference during 2025-2026.

(From the applicant)

The Spud Drive-In was constructed in the early 1950s by A.C. "Ace" Wood and opened for business in 1956. The Spud became a treasured community amenity and gathering space for both locals and visitors to the Teton Valley. From 1986 through 2022, The Spud Drive-In was operated and managed by the Mumm family. Historically, the Property has been used to show drive-in movies, as a live music venue, and to host special events. These events included movie premiers, music festivals, concerts, company retreats/parties, family reunions, weddings, and birthday parties. The Property was improved with: (i) a screen tower where movies were projected; (ii) a central building that functioned as a restaurant and a concession stand; (iii) a parking area with multiple rows of parking for spectators; and (iv) a ticketing booth. Drive-in movies were typically shown in the evening and at night from April through October. The on-site restaurant served a drive-in style menu. In 2022, a windstorm blew down the screen tower, and operations at The Spud have been paused.

The Project will restore the historic drive-in theater footprint of The Spud that the community has enjoyed since the 1950s. The Project will use the Property as an open-air theater facility for presenting, showing, or performing films, motion pictures, movies, and other entertainment to patrons primarily seated in vehicles. The Project's proposed operating hours will be 8 a.m. to 12 p.m. The main components of the Project, as shown on the Site Plan, include:

a. Screen Tower: A 55.5-foot-tall screen tower for projecting movies. This is located on the west side of the Property, in the same general location as the prior screen. The new screen tower complies with the 75' right-of-way setback, does not exceed the 60' height limitation, and the projection surface faces east so the viewing screen is not visible from SH 33. As shown on the Site Plan, the area in front of the screen will be improved with a grassy lawn area.

b. Drive-In Parking: The Project will have approximately 148 parking stalls for drive-in spectators to view the screen tower. The drive-in parking is oriented in a horseshoe around the screen.

c. Restaurant: In the center of the Property will be a restaurant and concession area. This will be an approximately 3,300 SF building with an outdoor seating area for dining and spectating.

d. The Spud Campground: Behind the drive-in parking stalls will be the 10 campsites making up the Spud Campground as approved by the 2024 SUP application.

e. Additional Parking: In the northeast corner of the Property is an additional 50 parking stalls. This area will be used to accommodate restaurant patrons, guests staying at the Spud Campground, and for special events held on the Property.

The Property will be enclosed by an 8-foot-tall privacy fence along the portion of the Property near SH 33 and a 5-foot-tall fence elsewhere.

The Site Plan depicts access to the Project and traffic flow. In general, guests will enter the site from a private roadway on the north side of the Property that intersects with SH33. This entrance gets cars entering the Property off the highway and provides for approximately 400 feet of vehicle stacking off of SH33. Patrons leaving the Property will do so from the historic horseshoe access point. Vehicles exiting to the north towards Driggs will merge into the right side of the horseshoe, and vehicles headed south to Victor will merge to the left side of the horseshoe. This application requests that the Project include a right to use the Property as a special event facility as well. Specifically, **an unlimited number of special events are requested** (emphasis added by staff), but no permitted special events shall exceed the Project's standard parking capacity. Any event that exceeds the Project's capacity must be permitted through the County's temporary use process.

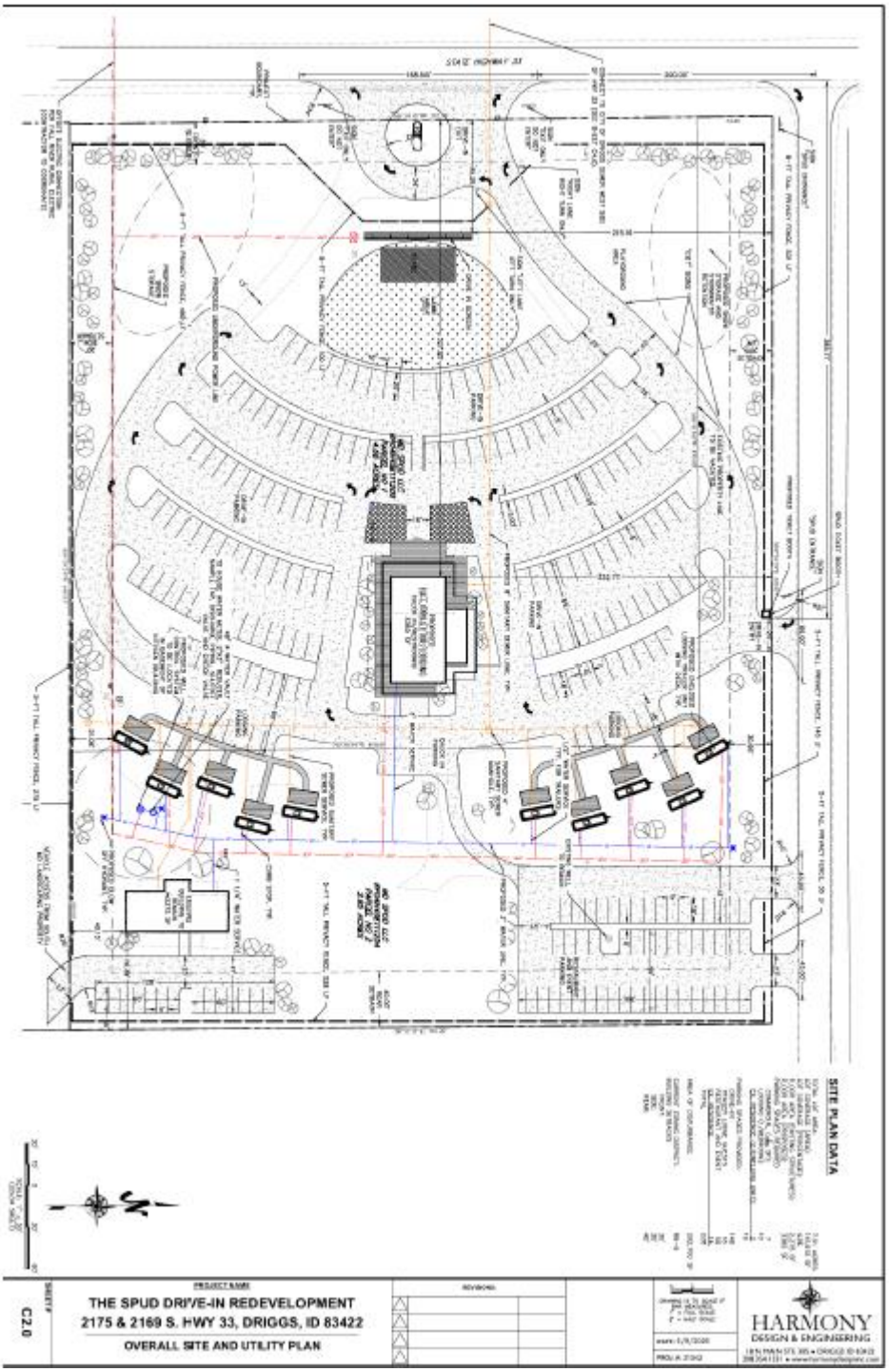


Figure 3. Site and Utility Plan

INTER-AGENCY AND DEPARTMENT REVIEW:

Idaho Department of Environmental Quality: In March of 2026, the Idaho Department of Environmental Quality approved plans for the property to connect to the City of Driggs wastewater treatment plant.

City of Driggs Wastewater Treatment Facility: On February 6, 2024, the City of Driggs approved a Will-Serve letter for future connection to the City's wastewater treatment facility (the Will-Serve letter expired on February 6, 2026). On October 1, 2024, Harmony Design & Engineering submitted a connection application and received the City's comments on March 4, 2025. The project was put on hold while the owner worked through the permitting and code amendment process. Harmony Design & Engineering has since reapplied for connection on July 16, 2026, and is awaiting a response from the city.

Teton County Fire Marshal: No comment

Teton County Public Works Director: Upon review of the Spud Drive-In Theater Special Use Permit Application, I have the following observations and recommendations:
1. The proposed site access provides approximately 400 feet of vehicle stacking from SH-33, representing a significant improvement over the previous access configuration. However, the Planning Commission should consider requiring the applicant to evaluate the need for a dedicated left-turn lane and right-turn acceleration lane on SH-33 to maintain highway safety and traffic operations.
2. Major events have the potential to generate significant traffic congestion and vehicle queuing. To minimize these impacts, Public Works recommends that the applicant develop and implement a Traffic Management Plan that includes alternative traffic mitigation measures, such as securing remote parking areas and providing shuttle services for attendees.

PUBLIC COMMENT:

Staff has received three public comments: one in support of the Special Use Permit and two against. The public comments against the proposal cited noise, dust, and concert-related traffic as the primary reasons for opposition. The public comment in favor of the proposal cited the Spud's iconic cultural significance and its economic and social benefits.

4-8 SPECIAL USES:

A. Applicability

1. Special uses are allowed for identified land uses that may cause incompatible off-site impacts depending on the location, design, and operation of the use. Special use review includes standards and additional review to ensure the effects of proposed special uses are appropriately managed and mitigated.
2. This section applies to proposed development or new land uses indicated in section 3-2-1 to be conditionally permissible only by special use approval.
3. Special use approval does not establish binding precedent to approve special uses.

4. Special use approvals are not transferable from one property to another. 5. The PZC is authorized to make minor modifications to an approved special use, as provided in section 4-14-D.

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

The recommendations and final decisions of the County for a proposed special use will be based on the following criteria:

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

Applicant Comment:

The Project complies with the standards in both LDC Chapters 4 & 5. Under Chapter 4, the Project proposes a use in the RN-5 Zone that is allowed with a special use permit. All of the SUP submittals required by the LDC accompany this application.[1] The completed application is submitted concurrently with this narrative. The Project also complies with all of the County's development standards, as modified by the Drive-In Theater special use standards.

Staff Comment:

The application has complied with the procedural requirements outlined in Chapter 4. Overlays on the site are limited to the scenic corridor, which is subordinated by the new code section for this land use. Likewise, parking lot standards and signage standards are generally set aside for drive-in theaters. The application may require a grading and erosion control permit and address revegetation/vegetation management later in the building permit stage.

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

Applicant Comment:

Drive-in theaters are allowed in the RN-5 Zone with an SUP.[2] The Project complies with the standards for the Drive-In Theater use in LDC § 3-6-7. First, the Project includes related facilities expressly allowed by the LDC for drive-in theaters such as a screen tower, projection facility, ticketing booths, a restaurant with dining, concession facilities, and administrative offices. The Project, including the drive-in and restaurant, will generally be open to the public.

LDC § 3-6-7(B) provides special use standards for drive-in theaters, all of which are met by the Project. For instance, the Property exceeds the three-acre minimum lot size. The Project will be connected to the City of Driggs' public wastewater treatment facility. The screen tower is less than 60 feet high, meets the 75-foot right-of-way setback, and the viewing surface is oriented away from the right-of-way. The perimeter of the Property will also be fully fenced. The sound systems are designed to minimize noise disturbance by broadcasting the theater's audio track over a localized FM frequency that is picked up and played inside the automobiles only.

The Project's signage also complies with the drive-in theater special use standards. The

[1] LDC 4-8-(B).

[2] LDC 3-2-2 Use Table (Table 2).

Project will utilize a digital marquee sign on the back side of the screen tower facing SH 33. The sign will not be programmed to scroll, flash, or have any moving messages. Sign details and dimensions are included in Exhibit C to this narrative. The Project will also restore "Old Murphy", the red flatbed truck in the figure above, and place it adjacent to SH33 in its historic location.

Staff Comment:
Requirements of 3-6-13 have been addressed as listed below.

Special Use Standards for 3-6-7 Drive-In Theater

A. Defined
An open-air theater facility for presenting, showing, or performing films, motion pictures, movies, or other entertainment, including, but not limited to, live or recorded theatrical or musical performances, to patrons primarily seated in motor vehicles or other vehicles. A drive-in theater use may include a screen tower, a projection room/facility, ticketing booths, concession facilities, a restaurant with dining, administrative and office spaces, and employee housing. A bona fide drive-in theater generally open to the public and operating with consistent commercially reasonable business hours may also be used as a special event facility, the parameters of which are to be determined as part of the Special Use Permit.

B. Special Use Standards
   a. Minimum lot size of three (3) acres. Application meets minimum lot size.
   b. Connection to, and service from, a public wastewater treatment facility owned and controlled by a municipality or a public utility provider is required. Connection to the City of Driggs wastewater treatment plant is pending approval. (Condition of approval)
   c. Any screen tower for the display of films, motion pictures, movies, or other entertainment must be located at least 75 feet from all street right-of-way lines, and screen towers may be constructed at a height of up to 60 feet in any zoning district. The screen tower is less than 60 feet high.
   d. The viewing projection surface of any screen tower for the display of films, motion pictures, movies, or other entertainment shall be oriented away from the primary public right-of-way. The viewing surface is oriented away from the primary public right-of-way.
   e. Hours of open operations shall be established in the Special Use Permit review. The Project's proposed operating hours will be 8 a.m. to 12 p.m. Staff believes different hours could be proposed depending on the use or type of event. The P&Z Commission discussed and asked staff to work with the applicant. (Condition of approval).
   f. All lighting and illumination of outdoor facilities, including any screen tower, shall be turned off when the drive-in theater is not actively in use and open for

operation. All lighting and illumination of outdoor facilities will be turned off when the facility is not in use. (Condition of approval).

g. Amplified sound systems are permitted, but shall be designed, constructed, and maintained to minimize off-site noise. The sound systems are designed to minimize noise disturbance by broadcasting the theater's audio track over a localized FM frequency that is picked up and played only inside automobiles. While the applicant addresses off-site noise from the Drive-In theater, it has not addressed off-site noise from concerts and other special events. Staff would recommend requiring a detailed plan to mitigate off-site noise from special events. The P&Z discussed and asked staff to work with the applicant. The applicant has submitted a detailed landscaping plan that staff believes helps address off-site noise.

h. Notwithstanding anything to the contrary in this LDC, parking lot landscaping, parking lot lighting, parking lot buffer, and driveway access standards shall not apply.

i. The Scenic Corridor overlay development standards and review process are not applicable.

j. With the exception of vehicle and pedestrian entrances and exits, the perimeter of a drive-in theater facility must be fully enclosed with code-compliant fencing. The facility perimeter will be fully enclosed with code-compliant fencing.

k. Parking minimums apply, but there shall be no limit on the maximum number of parking spaces or lot coverage. This appears to be largely limited by the size of the existing parcels.

l. If applicable, any commercial kitchen facility requires additional review and approval from the City of Driggs prior to operation. Before operation, Eastern Idaho Public Health must approve commercial kitchen operations. (Condition of approval).

m. Notwithstanding anything to the contrary in this LDC, digital marquee signage is permitted on the back side of any screen(s) erected for the display of films, motion pictures, movies, provided that such signage shall not have scrolling, flashing, or moving messages. The height, sign area, and dimensions of such digital marquee signage may be constructed in excess of any applicable standards with written approval from the planning administrator in connection with the sign permitting requirements and procedures. The Project's signage also complies with the drive-in theater special use standards. The Project will utilize a digital marquee sign on the back side of the screen tower facing SH33. The sign will not be programmed to scroll, flash, or have any moving messages. Sign renderings and dimensions are available in Exhibit C of the applicant's narrative.

n. Buffering and screening shall be required for adjacent residential parcels or parcels with a lower intensity of use as determined in the Special Use Permit. Staff has concerns for the residential neighborhoods surrounding the project site, including the Mountain Meadow Ranches and East Rendezvous Subdivisions. While the perimeter fencing will help, the applicant should provide a detailed landscaping

plan that uses vegetation to mitigate the off-site effects on residential neighborhoods. The site plan provided shows vegetative elements, but they are not presented in a formal landscape plan that can be included as a condition. Staff worked with the applicant, and the applicant has supplied a detailed landscape plan (included in the BoCC packet).

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:
The Project does not relate to a public-school facility and therefore review under Idaho Code section 67-6519(3) is not relevant.

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:
This is a replacement project to bring The Spud back into operation, so no new impacts on service providers are anticipated. Accordingly. the County and other service providers will be able to provide sufficient public facilities and services to the Project. The Property will be connected to a public water supply system that has been approved by Idaho DEQ and a municipal wastewater treatment facility operated by the City of Driggs, and the Project will not exceed the capacity of that infrastructure. As shown on the site plan, the Project has been designed to minimize impacts on area roadways through a carefully thought-out access plan. Ingress will be from a private road along the north side of the Property. There is approximately 400 feet of private lane from SH 33 to the drive-in entrance, creating a large area for stacking off of SH33. Ticketing will all be digitized, and patrons will be able to buy tickets online or through mobile apps and scan codes at the ticket booths, which will allow for quicker admittance. Egress from the site will be divided into right-turn and left-hand turning lanes from the existing horseshoe driveway to facilitate efficient exit from the site after shows or events. The proposed traffic flow for the site will allow SH 33 to safely handle traffic. The Project will not negatively impact the service levels of police, fire, or emergency medical crews.
Staff Comment:
For a community like Teton County, Idaho, where law enforcement, fire, and EMS resources are relatively limited, a large concert or festival can have a disproportionately large impact. An event drawing several thousand attendees may require:

- Additional sheriff's deputies or police officers.
- Fire apparatus and personnel on standby.

- Dedicated ambulances or EMS crews on-site.
- Traffic control at key intersections.

The special use permit process helps ensure adequate staffing, emergency access, medical services, and traffic management are in place, and it may allow the jurisdiction to recover costs associated with providing public safety services. This is particularly important in rural areas, where a limited number of responders must continue to serve the rest of the county while the event is underway. The P&Z discussed and asked staff to work with the applicant. Specifics of larger events will be addressed through the Temporary Use permit process.

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

Applicant Comment:

The Project is compatible with adjacent uses in terms of location, scale, site design, hours of operation, and operating characteristics. As noted above, commercial, light industrial, religious, and low-density residential uses surround the Property. MD Landscaping, a large industrial/commercial landscaping company that operates in Idaho and Wyoming, occupies the land to the south and east. MD Landscaping's commercial uses on the adjacent property are compatible with the Project, and the owner of this property has submitted comments in favor of the application that expressly recognize the uses are compatible. Land to the north is vacant. Land to the west is buffered from the Project, but is also currently vacant and zoned industrial. Notably, a drive-in theater use has existed harmoniously on the Property location for decades and has historically been compatible with the surrounding uses. The Project's site design has been thoughtfully laid out to preserve The Spud's historical feel, scale, and operating characteristics while also minimizing off-site noise, visibility, and other disturbances. Thus, from an overall review of the adjacent uses, the Project historically and contextually fits the local area and is compatible.

Staff Comment:

Staff finds that the application sufficiently addresses the Drive-In Theater use but lacks detail on how special events will affect neighboring residential uses, emergency services, and traffic. The P&Z Commission asked staff to work with the applicant to address these issues. After meeting with the applicant, staff believes these issues have been addressed as conditions of approval.

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

Applicant Comment:

As the Site Plan shows, and this narrative describes, the Project has been designed to ensure impacts from the Project are effectively mitigated. Impacts have been mitigated through the access plan, which keeps vehicles from stacking on SH33, site design, extensive parking, and perimeter fencing.

Staff Comment:

Staff believes additional details are needed on how to mitigate or offset the impacts of special events, such as concerts. The P&Z Commission asked staff to work with the applicant, and staff believes these issues have been addressed as conditions of approval.

POTENTIAL CONDITIONS OF APPROVAL

1. Frequency and Duration of Special Events
    a. Special events shall be limited to a maximum of ___ events per calendar year.
    b. No more than ___ consecutive days per event.
    c. Concerts shall conclude by 10:00 p.m. (weeknights) and 11:00 p.m. (weekends).
    d. Site cleanup shall be completed by ___ a.m. the following day.
2. Hours of Operation for Special Events
    a. Amplified music may begin no earlier than 10:00 a.m.
    b. Sound checks shall occur only between designated hours.
    c. Gates shall open no more than ___ hours before the event.
3. Noise Management for Special Events
    a. Amplified sound shall be directed away from neighboring residences.
    b. Speakers shall be angled downward where feasible.
    c. Noise levels at the property line shall not exceed the applicable county noise standards (over 70 decibels at the property line).
4. Attendance Limits for Special Events
    a. Maximum attendance shall not exceed ___ persons.
    b. Ticket sales shall be limited to the approved occupancy.
    c. Any increase in attendance shall require additional review and approval.
5. Traffic Management for Special Events
    a. A traffic management plan shall be approved prior to each event exceeding ___ attendees.
    b. Traffic control personnel shall be provided when required by the Sheriff's Office or Highway District.
    c. Emergency vehicle access shall remain unobstructed at all times.
    d. Temporary directional signage shall be removed within 24 hours following the event.
    e. Event signage should be used to direct guests to the event using County Roads. All event invitations should include standard driving and parking directions.
6. Emergency Services
    a. An emergency operations plan shall be submitted for larger events.
    b. On-site EMS or first aid personnel shall be provided based on attendance.
    c. Fire extinguishers and emergency access routes shall be maintained.
    d. The event organizer shall coordinate with the Sheriff's Office, Fire District, and EMS as required.
    e. Reimbursement for extraordinary public safety costs when county personnel are required beyond normal service levels.
7. Lighting for Special Events

a. Temporary lighting shall be shielded downward.
b. Lighting shall not create glare on neighboring properties or roadways.
c. Temporary lighting shall be extinguished after patrons have safely exited.

8. Fire Protection for Special Events
    a. Fire lanes shall remain unobstructed.
    b. Temporary tents, generators, and cooking equipment shall comply with Fire Code requirements.
    c. Outdoor fires and fireworks or other pyrotechnic displays shall be prohibited unless separately approved.
9. Permit Compliance for Special Events
    a. Failure to comply with the conditions of approval may result in suspension or revocation of future event permits.
    b. The Planning Administrator may require modifications to future events based on documented impacts.
10. Connection to, and service from, a public wastewater treatment facility owned and controlled by a municipality or a public utility provider is required.
11. Any commercial kitchen facility requires additional review and approval from the City of Driggs prior to operation.
12. Provide a detailed plan to mitigate off-site noise from special events (may include components addressed in #3 above).
13. Provide a detailed landscaping plan also designed to help mitigate off-site noise and glare from drive-in theater use and special events.
14. Drive-in theater hours from sundown to 12 p.m.?

PLANNING & ZONING COMMISSION HEARING RESULTS

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 in the Teton County Land Development Code Section 4-8 and Section 3-2 with the recommended conditions as well as the following conditions:

Items 1-14, eliminating #12 because it is covered in #13.

#11 changed: Remove City of Driggs approval and change to EIPH

Staff works with the applicant to better define a special event and what triggers one.

MOVER: Collin Hunter
SECONDER: Harley Wilcox

Ayes: James Weber, Wyatt Penfold, Collin Hunter, Carl Kohut, Maggie Martin, Tom Braun, Harley Wilcox
Nays: None **Motion passed (7-0)**

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6512 Special Use Permits, and Title 8, Section 8-6-1-B.4. of Teton County Code. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News on August 22, 2026, and September 2, 2026. Staff mailed a notification to property owners in the surrounding 300-foot buffer area on August 21, 2026. Staff also posted a notice on the property with information about the public hearing on September 1, 2026.

PUBLIC COMMENT

Staff has received no new public comment since the PZC hearing. The previous public comment has been attached to the BoCC packet.

STAFF AND APPLICANT MEETING – SPECIAL EVENT CONDITIONS, AUGUST 21, 2026

Summary

The group reviewed site plans and established event categories for the drive-in theater venue with noise mitigation requirements.

Defining Special Event Framework

The group established a 2-tier event classification system, using vehicle capacity as the primary metric. This structure distinguishes routine operations from larger gatherings requiring oversight.

Operational Hours and Mitigation

Noise reduction plans require a specific landscaping design for the site boundary. Parameters include closing times of 10:00 p.m. for weekdays and 11:00 p.m. for weekends.

ADDITIONAL AGENCY COMMENTS

On Wednesday, August 12th, staff received an email from the Idaho Department of Transportation Permits Coordinator requesting a turn lane analysis. Staff forwarded the request to the applicant and has since received a turn lane analysis from Kittelson & Associates. The attached file includes correspondence with ITD wherein ITD approved the scope of the study area, the assumptions, and the modeling. The applicant agrees to construct the recommended turn lanes as a condition of approval. Further, ITD requested an evaluation of entry queuing towards SH-33 during arrivals at Site Access A. Kittelson & Associates analyzed multiple scenarios, and the results of this analysis indicate that the function of the site as currently proposed would be unable to adequately store vehicle queues "on-site," and queues could spill back onto SH-33. To mitigate potential queueing issues, several mitigations are available:

- Option One: Utilize two ticket booths and both lanes at the entrance to the site. Pre-pay attendees could use both booths, and entrants paying at the entrance could use only one booth.
    - Reanalyzing queues with two attendant spaces (rather than one) reduces expected max

queues down to two vehicles, which can be comfortably accommodated in the existing 400ft of storage estimated on the local road.

• Option Two: Move the proposed ticket booth farther into the site and utilize cones on site to direct traffic so that ~900 ft of storage space is available for vehicles to queue should that much space be needed.

• Option Three: Utilize two queueing lanes on the local road entering the site and relocate the proposed ticket booth farther into the site (not as far as option two).

• Option Four: Have vehicles with pre-purchased tickets enter the site directly from the access, but have vehicles without pre-purchased tickets route east through the restaurant and event parking to purchase a ticket and then circle back to enter the site where pre-purchased ticket holders enter.

CONDITIONS OF APPROVAL

On August 21st, Teton County staff, the Applicant, and their representatives met to discuss potential conditions of approval for the Spud Drive-in. The following conditions were mutually agreed upon:

1. Develop and maintain the subject property in substantial conformance with: (i) the Overall Site and Utility Plan; (ii) the signage plans; and (iii) the landscape plan, all on file with the planning and zoning department.
2. Prior to operation of the Drive-In Theater uses, provide Teton County Planning Staff with evidence of connection to, and service from, a public wastewater treatment facility owned and controlled by a municipality or a public utility provider.
3. Hours of operation for the Drive-In Theater uses shall be from 8:00 a.m. to 12:00 a.m.
4. Prior to operation of any commercial kitchen facility, provide Teton County Planning Staff with evidence of review and approval from Eastern Idaho Public Health of such commercial kitchen facility.
5. All permanent on-site lighting shall be shielded downward and shall not create glare on neighboring properties or roadways, except as expressly approved.
6. All lighting, both permanent and temporary, shall be turned off whenever the Drive-In Theater use is neither actively in use nor open for operation.
7. Any amplified sound shall be directed downward and toward the center of the subject property.
8. Comply with all Special Use Standards for the Drive-In Theater use in the Land Development Code.
9. All permissible Drive-In Theater uses (e.g., “presenting, showing, or performing films, motion pictures, movies, or other entertainment, including, but not limited to, live or recorded theatrical or musical performances, to patrons primarily seated in motor vehicles or other vehicles”) shall not exceed available on-site motor vehicle parking.
10. Special Events, as defined in Chapter 7 of the Land Development Code, that do not exceed available on-site motor vehicle parking are allowed on the subject property from 8:00 a.m. to 12:00 a.m. as part of this Drive-In Theater special use permit; provided that Large Special Events, which are Special Events where attendance is reasonably expected to exceed on-site motor vehicle parking, must comply with Condition No. 14.

11. The subject property shall be operated in conformance with the fire department's comments, which require: (i) fire lanes providing access to permanent structures shall remain unobstructed; (ii) any temporary tents, generators, and cooking equipment shall comply with Fire Code requirements; and (iii) outdoor fires and fireworks or other pyrotechnic displays shall be prohibited unless separately approved.
12. Based on the results of the turn lane analysis completed by Kittelson & Associates (attached), southbound left and northbound right turn lanes will be installed from Idaho State Highway-33 to Site Access A, as shown on the project site plan.
13. To mitigate potential queueing issues, several mitigations are available and will be analyzed by the applicant and their consultant until the preferred option is identified:
    • Option One: Utilize two ticket booths and both lanes at the entrance to the site. Pre-pay attendees could use both booths, and entrants paying at the entrance could use only one booth.
        o Reanalyzing queues with two attendant spaces (rather than one) reduces expected max queues down to two vehicles, which can be comfortably accommodated in the existing 400ft of storage estimated on the local road.
    • Option Two: Move the proposed ticket booth farther into the site and utilize cones on site to direct traffic so that ~900 ft of storage space is available for vehicles to queue should that much space be needed.
    • Option Three: Utilize two queueing lanes on the local road entering the site and relocate the proposed ticket booth farther into the site (not as far as option two).
    • Option Four: Have vehicles with pre-purchased tickets enter the site directly from the access, but have vehicles without pre-purchased tickets route east through the restaurant and event parking to purchase a ticket and then circle back to enter the site where pre-purchased ticket holders enter.
14. Large Special Events are subject to the following additional conditions of approval:
    a. All Large Special Events shall be separately permitted through the temporary use permitting process, or other similar administrative permitting process required by Teton County Planning Staff, to ensure compliance with these conditions of approval and other public safety requirements.
    b. There shall be no more than 12 total days of Large Special Events held on the subject property per calendar year.
    c. Large Special Events shall not be held on the subject property for more than three consecutive days.
    d. Any amplified sound of any kind (including sound checks) that is part of a Large Special Event shall be limited to the hours of 10:00 a.m. to 10:00 p.m. Sunday-Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday.
    e. Site cleanup after each Large Special Event shall be completed by 11:00 a.m. the following day.
    f. As part of an application for a temporary use permit for a Large Special Event, the applicant shall submit a traffic management plan for approval by Teton County Planning Staff. Access-management conditions imposed on the permit may include, but are not limited to: (i) requiring private or public traffic-control personnel at the applicant's expense; and (ii) requiring temporary directional signage.

g. As part of an application for a temporary use permit for a Large Special Event, the applicant shall submit an emergency operations plan that details an evacuation plan and identifies the on-site security, emergency medical services, and/or first-aid personnel to be provided.
h. The applicant shall bear all costs associated with reviewing any temporary use permit and complying with these conditions and any additional conditions imposed through the temporary use permit approval process.

STAFF RECOMMENDATION:

Planning staff recommends approval of the Spud Drive-in Special Use Permit.

BOARD OF COUNTY COMMISSIONERS 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 for 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 Spud Drive-In theater SUP, as well as the additional material provided by staff and other agencies, I hereby move to APPROVE, having found that the application meets the criteria found in the 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 the Spud Drive-In theater SUP, as well as the additional materials provided by staff and other agencies, I hereby move to continue the public hearing to a specific future date and time to consider any additional information or studies requested from the applicant or agencies.

***TABLE:**

Having reviewed the application materials for the Spud Drive-In theater SUP, as well as the additional materials provided by staff and other agencies, I hereby move to table the public hearing to receive any additional information or studies requested from the applicant or agencies.

RECOMMEND DENIAL:

Having reviewed the application materials for the Spud Drive-In theater SUP, as well as the additional material provided by staff and other agencies, I hereby move to DENY, as the application does not meet the criteria in Teton County Land Development Code Section 4-8 and Section 3-2. The following steps might be taken to obtain future approval…

_____

Joshua Chase, Planning Administrator
Prepared by Dan Leemon, Senior Planner

Attachments:

A) Special Use Permit (SUP) Application
B) SUP Applicant's narrative
C) SUP Application Site Plan
D) City of Driggs Will-Serve Letter
E) Public Comment
F) Kittelson & Associates/ITD Turn Lane Analysis
G) Master Landscape Plan

End of Staff Report