TETON COUNTY, IDAHO I Board of County Commissioners

Written Decision for Smash Indoor Recreation Center - Appeal

SUMMARY

On August 31, 2026, Jason and Sidney Wilcox submitted an application for an Appeal to the Teton County Planning Department for the consideration of a written decision on the matter of a proposed indoor recreation use. This use is not specifically listed in the Teton County Land Development Code (LDC) as a use. The LDC includes provisions under Section 3-1-1(A) for a determination of similarity of a proposed use with an existing listed use. The Administrator's decision, issued on August 31, 2026, found that the proposed use was not sufficiently similar to be considered as the same use as a Park / Recreation Field (LDC § 3-8-1) or other listed use.

The Wilcox's appealed the Administrator's decision, which per the LDC is heard by the Planning & Zoning Commission ("PZC") on September 22, 2026 At that meeting, the PZC was unable to reach a majority motion either to uphold or overturn the original decision. Following that, the PZC proposed to refer the question to the Board of County Commissioners ("BoCC"). The BoCC determined that, while the PZC could not refer this question to the BoCC, its deadlock had the effect, under the applicable rules of procedure, of leaving the Administrator's decision in place. Accordingly, the Wilcox's appealed the PZC's final action to the BoCC, which was then properly before the BoCC.

Planning staff recommended that the BoCC limit its decision to the specific proposal and not reach conclusions for the use broadly, noting that the BoCC had already discussed the use indicating that the County had some interest in pursuing developing code to allow for this use in certain zones in the County, but that code has not been completed at this time. The BoCC ultimately overruled the Administrator's decision, finding this proposed use is sufficiently similar to the Park / Recreation Field of LDC § 3-8-1 in this instance to allow this proposal to be considered under that section.

The proposal is located on a subdivision lot at 2540 S 5000 W, Driggs Idaho with the legal description LOT 2 SUNRAIN RANCH SUB SEC 12 T4N R44E. The current zoning for this property is RA-35, Rural Agriculture 35-acre average density.

PROJECT BACKGROUND

The applicant has proposed to establish an indoor athletic facility consisting of approximately 20,000 square feet, within an existing building. A very limited site plan showing parking area and access in relation to an existing building was provided. building or description of accessory uses were provided. Primary uses were described as a Recreation Center to be used for baseball batting cages and/or indoor soccer activities. The use is not expressly listed as a separate use category in the LDC Use Table, though the Board has discussed with this with some public interest in establishing this use.

Pursuant to the LDC provisions governing unlisted uses, where a proposed use is not specifically listed but is similar to a listed use category, the Planning Director may determine the most appropriate classification based on the similarity criteria enumerated in the Code.

Applicable Standards and Criteria for Application Evaluation

LDC § 3-1-1

A. Principal Uses A principal use is considered the primary use and may exist as the sole use of the property. More than one principal use may exist on a property. Principal uses may be permitted, limited, or special per the descriptions in Sections 3-2-1 and 3-2-2. A principal use not specifically listed is prohibited. If a proposed use is not listed in a use category, but is similar to a listed use, it may be considered as part of that use category. The following criteria must be used to determine whether a proposed use is similar to a listed use:
   1. The actual or projected characteristics of the proposed use;
   2. The relative amount of site area or floor area and equipment devoted to the proposed use;
   3. Retail sales;
   4. The customer type;
   5. The relative number of employees;
   6. Hours of operation;
   7. Building and site arrangement;
   8. Types of vehicles used and their parking requirements;
   9. The number of vehicle trips generated;
   10. How the proposed use is advertised;
   11. The likely impact on surrounding properties;
   12. Whether the activity is likely to be found independent of the other activities on the site; and
   13. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an LDC Amendment per Section 4-4.

Reasoning and Analysis

Commissioner Powers noted that, on the matter of traffic and parking, the proposed use was likely to result in a lower peak demand for parking and peak traffic generation as there were no proposed spectator events or accommodations for competitive events that would draw larger spectator crowds, but would be expected to have similar types of vehicle use and parking needs. He also reasoned that the users would likely be the same as those using outdoor recreation fields or parks.

MOTION

I move to overturn the planning administrator's determination that the Smash indoor batting cage, soccer facility is not similar to the outdoor Park and Rec Field category on the grounds that this site-specific use is of lower intensity and similar use than many outdoor activities that would be allowed at the parks and rec fields category. I would further note in the motion that this ruling does not eliminate the need for the indoor use to meet all building, fire, or other applicable code requirements.

Motion: Dan Powers, Seconded: Ron James

AYES: Brad Wolfe, Dan Powers, Ron James

NAYES: None

CONCLUSIONS

Having given due consideration to the application and materials presented, and to the review criteria in Teton County Land Development Code § 4-9, the Teton County Board of County Commission hereby makes the following conclusions:

1. No public hearing was required due to the initial administrative decision not requiring a hearing. The item was correctly included as an action item on the BoCC agenda. The matter was ultimately correctly procedurally before

the BoCC on the applicant's appeal from the PZC's action.

2. The review criteria in LDC § 3-1-1(A) for the proposed use can be satisfied to include the use proposed on this specific site, specifically subsections 4. The customer type, and 8. Types of vehicles used and their parking requirements; and 9. The number of trips generated.
3. The request specifically appears to offer special circumstances that may not exist in other settings and, therefore, should not be considered as a categorical determination for this type of use always being considered similar to the listed use.
4. Therefore, this application is hereby APPROVED by the Teton County Board of County Commissioners. Specifically, the BoCC concludes that, in this instance, the proposed use is sufficiently similar so as to be rightly considered a Park / Recreation Field use, as specified in LDC § 3-8-1.

Certificate of service

_____

Brad Wolfe
Chair of Teton County Board of County Commissioners

I hereby certify that on this _____ day of October 2026, I served a true and correct copy of the foregoing document upon the following:

_____

Kim Keeley, County Clerk

_____

Date

Jason Wilcox, Sidney Wilcox
[email redacted]

[ ] E-Mail

NOTICE OF APPLICABLE RIGHTS

Applicants have a right to request a regulatory taking analysis of this decision pursuant to Idaho Code § 67- 8003. Further, per LDC § 4-15, an applicant or an affected person has the right to appeal or seek reconsideration of this decision.