



## Valley Advocates for *Responsible* Development

March 1, 2023

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**RE: Letter in opposition to Wendorff SUP; issuance of permit will create a resort.**

Dear Commissioners,

The record for the Wendorff Special Use Permit (SUP) is full of testimony and written comments from neighbors and agencies, both affirmatively demonstrating that (1) the lot size for this permit is simply too small to be permitted under the Land Development Code (LDC), and (2) both access roads to the Wendorff Family (Wendorff) properties each contain significant maintenance and access issues. These are both accurate and wholly defensible reasons for denying this permit. Rather than further contribute redundant testimony to what has already been clearly established by citizen and agency comments, I would like to raise the following *novel arguments in support of denying this SUP*.

**ISSUE #1: Approval of this Special Use Permit will create a recreational resort.**

The SUP requested by the Wendorffs is the lynchpin to turning the entire trio of Wendorff properties into a full-scale recreational resort. At over 7,000SF, the existing



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Wendorff main house is large enough to be a lodge.<sup>1</sup> With 24 foot timber-framed ceilings, multiple bunk rooms, it can sleep 20 people.<sup>2</sup>



*Pictured Above: Main house images taken from [Dubbe Moulder Website](#).*

The main house has a swimming lake and multiple indoor-outdoor living spaces. Per state law, this expansive, lodge-type house can already be rented via Airbnb or similar company, far beyond the reach of any regulatory authority by Teton County.

Turning to the custom-built Wendorff barn (hereafter Event Barn), it contains a total of 2,500SF indoor/outdoor space. Constructed under a commercial building permit,<sup>3</sup> the Event Barn was designed and built as a high-end commercial space with a commercial grade kitchen - *right from the outset*. It contains no tractors or similar equipment. If Teton County now issues a SUP for this Event Barn to legally be used as a for-profit

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<sup>1</sup> Teton County, Idaho Building permit 07-1012-340 was issued in October 2007 for the residence. It included 4,963 sf of habitable space, 847 sf of attached garage and 1,199 sf of detached garage.

<sup>2</sup> [See photos](#) taken from Wendorff house article featured on [Dubbe Moulder website](#); *See also*, additional Wendorff house article in [Western Art and Architecture](#) magazine, January, 2022.

<sup>3</sup> Teton County, Idaho Building permit 20-1105-242 was issued in November 2020 for the barn. Per the Wendorff's Supplemental Narrative, it was built under a commercial permit.



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event space, that will be the last and final piece to creating a full-scale recreational resort that is almost beyond county regulation.

### **This recreational resort can be sold at any time.**

Behind their simple narrative, *Wendorffs are a very sophisticated party*. By trade Mr. Wendorff is a developer in California. He owns at least four development companies, with many more that have recently been dissolved.<sup>4</sup> It is well established that SUPs attach to the property - not the permit holder. With this valuable SUP in place, this newly-minted resort property can now be freely sold for a hefty sum. The applicants may state that they have no intention of selling, but this Board has learned quite well that such verbal assurances are unenforceable and effectively meaningless.

### **This recreational resort can thereafter significantly expand in size by-right.**

With the SUP authorizing the for-profit Event Barn, the remaining properties owned by Wendorff within the Pine Ridge Ranch Addition *can now be developed **by-right** under Teton County's Land Development Code* to provide several new Airbnb properties for housing additional guests.

Wendorffs currently own two other abutting lots, and they have stated they are seeking to purchase the third lot in Pine Ridge Ranch Addition. As a pre-platted residential subdivision that predates the current LDC, these lots are grandfathered to allow residential structures to be constructed **by-right**. Per the LDC, on each remaining lot owned by Wendorffs, *ALL of the following can be constructed at any time, without public notice or a hearing*:

1. A main house of unlimited size
2. A barn (or Event Barn) of unlimited size up to 60-ft high<sup>5</sup>

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<sup>4</sup> David Wendorff currently owns the following California LLCs: Wendorff Development LLC, DMG Realty Investors, Inc, WGP, LLC, Stonebridge Development. [Click to view California filings](#), and also Wendorff's [dissolved California LLCs](#).

<sup>5</sup> If additional Event Barns were built on the remaining lots, they could be designed to look just like the current one - *or even be bigger*. These Event Barns would not be permitted for public events under this proposed SUP, but their mere existence would significantly add to the capacity and intensity of the resort.



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3. One ADU of up to 1,200SF<sup>6</sup>
4. A swimming pond with dock
5. Infrastructure for horse & other animal paddocks, archery and clay shooting, recreational jumps and trails for bikes, 4-wheelers, and moto-bikes, etc.

Without any due process to the neighbors, the Wendorff properties can quickly balloon into a large full-scale private resort operating far outside of county control through Airbnb, where the only regulatory authority Teton County will have is the issuance of the SUP for the Event Barn. If Wendorffs submit building permit applications for residential structures and barns that meet the International Building Code, Teton County's hands will be tied. So long as the permit holder is compliant with the terms of this SUP, Teton County will be unable to regulate any of these other permitted uses, even though the end result is a large commercial operation.

***Pictured RIGHT:*** This is a depiction of the structures that can already be built **by-right** on the remaining two Wendorff lots, allowing the resort to quickly expand its housing options outside of the regulatory control of Teton County.



### **ISSUE #2: The Event Barn abuts the Cook conservation property and easement.**

The Wendorff property *immediately abuts* the 180-acre Lawrence L. Cook conservation property to the East which includes a conservation easement held by Teton Regional Land Trust. The 160-acre conservation easement begins about 600 feet from the Wendorff property.

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<sup>6</sup> Teton County Land Development Code Section 3-9-3.





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***Pictured Above:*** Wendorff Event Barn immediately abuts the 180-Acre Lawrence L Cook conservation property. The 160-acre easement begins approx 600 feet to the East.

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The Cook easement and property are covered with large swaths of federally recognized wetlands, and Smith Canon Creek also traverses the length of the property. *Many consider the Cook property to be the headwaters of the Teton River.* The Cook property also contains Waterbird Breeding, Migration, Foraging and Wintering Habitat, Big Game Migration Corridors, and Songbird/Raptor Breeding and Wintering Habitat.

Turning back to the Wendorff property, it not only falls completely within the Big Game Migration Corridor & Seasonal Range that is currently under review, the Wendorff's property is located *entirely within the following zones that are directly related to health, safety, and risk of hazards:* (1) the Teton County Bear Conflict Zone, (2) the Teton County Wildfire Hazard Overlay, and (3) the Teton County Hillside Overlay.

With decades of professional biological and environmental experience prior to taking office; this Board can appreciate how profoundly these abutting land uses are at odds and conflict with each other. *This area is too environmentally sensitive for a resort.*

### **ISSUE #3: Wendorffs current use of the Event Barn already conflicts with neighboring land uses.**

Wendorffs maintain they are, and will continue to be, considerate neighbors. They have pledged that the commercial activities at the Event Barn will be *mostly* small and low intensity. To demonstrate this, Wendorffs held a trial run kick-off birthday event in June of 2022 which they characterized as a tidy, orderly, memorable success. They included peaceful, bucolic photos in their application packet to Teton County planning staff. At the October 10, 2023 Planning & Zoning Commission hearing, Wendorffs bemoaned the fact that jumpy neighbors called the police prior to 10PM on their birthday event, citing noise complaints. They admitted that they had not filed for any kind of event permit.<sup>7</sup>

A totally conflicting story of their kick-off event can be found on Mr. Wendorff's own Instagram account where he [posted a video of his loud, raucous birthday party](#) complete with performances by professional musician [Tyler Booth](#) and full-size stage and sound accompaniment *that would rival Music on Main any day.*<sup>8</sup>

<sup>7</sup> October 10, 2023 Wendorff hearing video recording by Teton County, Idaho, see at 2:46.

<sup>8</sup> If the Instagram link is no longer publicly available to view, [a back-up copy of Wendorff's party video is saved here](#).



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David Wendorff on  
Instagram: "Tyler Booth-  
amazing artist and perf...  
[instagram.com](https://www.instagram.com)

***Pictured above:*** David Wendorff's instagram images and video of the "trial run" party for their Event Center featuring musician Tyler Booth. Wendorff's had no permits for the event. Neighbors from over a mile away filed police reports citing noise complaints. [CLICK HERE](#) to view Wendorff's party video.

Aside from birthday parties gone wild, the record includes neighbors describing the regular distraction and frequent nuisance of four-wheelers and dirt-bikes zooming along their neighborhood's private road from the Wendorff property at all hours of the day and night. Several letters specifically complained about frequent night gatherings, parties, and music. Clearly there is conflict between how the Wendorffs perceive their current use of the property and how it is interpreted by the neighbors. With this conflict in mind,





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if Wendorffs are now given the outright legal authority via an SUP to go ahead and host commercial events, the need for county policing this permit and adjudicating neighbor complaints will surely intensify.

### **ISSUE 4: The Event Barn sits 50 feet higher than surrounding homes.**

The conflict between Wendorffs and the neighbors has been exacerbated by the fact that this Event Barn and house are built on top of a large bald knoll at 6,160 feet in elevation - *that is a full 50 feet higher than the neighboring homes to the North and East.* With large windows, sliding glass walls, vexed neighbors have written comments on how it glows at night and interior event noises are brought outside whenever the walls slide open. Sitting atop the mostly-bald hill, sound from this large glowing Event Barn will be nearly impossible to screen and will surely impact the greater neighborhood, regardless of any screening standards in the LDC.

### **ISSUE 5: There has been NO country-requested neighborhood meeting to date.**

Despite what the Wendorffs say in their Supplemental Narrative, there has been NO neighborhood meeting to date. There is one scheduled for Sunday evening, March 3rd.

The P&Z *asked for this neighborhood meeting to be done six months ago* at their Oct 10, 2023 hearing.<sup>9</sup> Our staff met with Mrs. Wendorff at our office on January 16, 2024 and emphasized the importance of having the meeting soon, to allow for public comment and modification of any conditions. Yet, the hearing is scheduled for a Sunday evening, *only one week prior to the hearing*, and most notably, *after* the public comment period has closed.

### **CONCLUSION:**

This is a familiar story of a square peg in a round hole. The proposed use is in utter conflict with the existing neighborhood uses. If Teton County permits this SUP for the Event Barn, the effect will be to release upon this extremely quiet, rural Ag-35 neighborhood, a nearly unregulated recreational resort where there is already a history of conflict between the Wendorffs and neighbors.

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<sup>9</sup> Teton County Idaho Planning & Zoning Commissioner hearing minutes, October 10, 2023.





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Please deny the Wendorff permit.

Thank you for your time and service to our community.

Respectfully,

*Anna Trentadue*

Anna Trentadue, Program Director/Staff Attorney  
Valley Advocates for Responsible Development