

**City of Driggs**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
February 13, 2013  
6:30pm

**MEMBERS PRESENT:** Delwyn Jensen (Chair), Chris Valiante, Rick Baldwin, Jen Calder, and Rene Lusser

**STAFF PRESENT:** Ashley Koehler, Planning and Zoning Administrator

**PUBLIC PRESENT:** Monte Woolstenhulme, Teton School District; Arnold Woolstenhulme, AW Engineering; Jay Mazalewski, Teton County Public Works; Tom Davis, Teton County Building

**1) Approval of Minutes.** The Commission reviewed the minutes from January 9, 2013. Rene Lusser asked for a correction to the spelling of his name.

**Commissioner Rene Lusser moved to approve the minutes of January 9, 2013 as written.**

**Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**2) General Public Input.** No public input

**3) 6:40PM Public Hearing/Possible Recommendation: Annexation of High School and Middle School properties, approximately 72 acres-- 555 E. Ross Ave & 935 N. 5<sup>th</sup> St. Applicant- Teton County School District #401, Monte Woolstenhulme**

Ashley Koehler summarized the Staff Report including that the Teton County School District is requesting annexation of 72.31 acres of property containing the High School and Middle School properties. Staff is requesting that the Planning and Zoning Commission (P&Z) review the proposal in accordance with the Comprehensive Plan and recommend an appropriate zoning designation. Koehler summarized sections from the Comprehensive Plan that recognize the need for collector roads, especially around schools. City staff has met internally and discussed the condition of the school's access road and the need for an annexation agreement that would stipulate how and when the road could be brought up to city road standards. Discussions with the school have not taken place yet about the road as that is an item for the Council to consider, not necessarily the P&Z Commission. The area around the property is zoned R-1 and it is recommended that the school also be zoned R-1 as schools are a specific allowed use. Koehler concluded that the City will not receive any financial benefits as a result of an annexation and instead will lose an estimated \$7,837.72 per year due to a reduced utility fee. However, the lost revenue will benefit the school and could help offset costs for the 5<sup>th</sup> street road improvement. The annexation would also fill in the hole in the City's boundary which helps overall long-term planning.

Monte Woolstenhulme spoke on behalf of the School District and thanked the Commission for their consideration. He explained that this conversation has been going on for quite some time. It's a challenge for the School District to identify which jurisdiction they should coordinate with to help resolve the road issues.

The Commission opened the public hearing. No public comment received. Public hearing closed.

Commissioner Lusser asked about the school access road and if it was going to be a continuation of the 5<sup>th</sup> Street to 1000N. He also asked about what the School's plans are for development.

Woolstenhulme: In the short term, conversations with the City have been for quick fixes to the road, including filling the pot holes and grading in the summer. There are lots of unknowns with funding right now, such as the levy.

Commissioner Lusser: Concern is that the road will become the city's onus once it's annexed.

Woolstenhulme: Recognize we need to be a partner in that.

Koehler: Public works and staff have discussed the road issues and will be coordinating a meeting with the District. Will discuss an annexation agreement with the District prior to the Council meeting. Tonight's meeting focus is the zoning and comprehensive plan compatibility.

Commissioner Lusser: What are future uses of the middle school property?

Woolstenhulme: The NE and SE master plan for middle school are athletic fields. It's not a firm plan as the school discusses budget. If there were a need in the future for the school to offer other programs, which would be part of an update to the facilities plan, the District would like to consider the eastern portion of the property. The District recognizes that they have constraints with the irrigation canal location.

**Commission Jen Calder made a motion finding that the annexation request conforms with the general recommendations of the Driggs Comprehensive Plan and would facilitate achievement of long term planning objectives, I move to recommend to the Driggs City Council that the Teton County School District properties be annexed by the City with the R-1 zoning designation upon approval of an annexation agreement to ensure a plan for improving the access road.**

**Commissioner Rick Baldwin 2<sup>nd</sup> the motion. The motion passed with all in favor.**

#### **4) Discussion- Zoning Ordinance Text Amendment- Building height exception for essential emergency facilities. Applicant- Teton County, Jay Mazalewski**

Ashley Koehler: Summarized the Staff Report including that Teton County is proposing to build a new law enforcement center in the downtown for the Sherriff's Office, Dispatch Center, and Emergency Management Coordinator. The facility will need a 100' antenna to serve as the communication hub for emergency services throughout the County. The maximum height for any structure in the C-2 zone is 45', unless a height exception is granted for up to 54'. A variance could be applied for to exceed the height limit for this specific tower, but the County must prove an "undue hardship because of the characteristics of the site." Because a hardship could not be readily identified, Staff recommended that the County apply for an Ordinance Amendment. Since an amendment applies to any future "emergency facility" anywhere, Koehler cautioned the Commissioners to not consider just this specific site and proposal, but other potential users like the Fire District or the Forest Service Search and Rescue. She explained that if the Commission discusses and analyzes the amendment based on the County's specific site, it would be a violation of the public process if the County later decides to apply for a Conditional Use Permit or Variance to exceed the maximum height. Koehler explained that the Commission considered amendments in the past for communication towers, but nothing was ever adopted

[Koehler passed out photos of tower examples in the City]. She further summarized the current provisions in the Zoning ordinance that regulate towers and sections from the Comprehensive Plan and Design Review Standards that relate to towers. Koehler referred to a list of questions in the Staff Report that she wanted specific feedback from the Commission on:

- Should “Emergency Facilities” be subject to a height limit? If so, what should be the maximum height exception allowed?
- Should “Emergency facilities” be regulated separate from other wireless telecommunication towers?
- Is it okay if an “Emergency Facility” tower served as a site for other non-emergency services to co-locate on?
- Require screening or architectural standards? (stealth tower, roof mounted only, type of towers, lighting, etc.)
- What zones should “Emergency Facilities” be an allowed or permitted use?
- Require FAA and Airport Board approval?
- Require setbacks for towers? *A 1:1 setback to height ratio is common for ensuring safety from falling debris (ice, tower attachments, tower collapse, etc.). A 0.5:1 setback to height ratio is considered a minimum standard by the American Planning Association.*
- Should justification for the height be required?
- What additional information is requested by the P&Z?

Koehler recommended that the Commission discuss these questions and provide feedback to Staff and the County on how to proceed.

Jay Mazalewski: When the County went through and selected a site for a Law Enforcement Center they went through the Code and this started the conversation as to how a tower would be permitted. In response to Staff’s questions posed in the Report, the County’s responses and comments are:

- Should emergency facilities be regulated to a height limit: Yes, but should be variable to the height needed for the function, which ties into the justification piece. Agree that the height needs to be justified.
- If you limit the height exception to 150-200% above the maximum allowed height, you’re not accommodating an essential facility. Requirements can change based on the antenna location. The reception, broadcasting distance, terrain, etc. are factors in determining adequate tower height.
- A “commercial facility” should be separate from “public facility”. “Public” would be safety and “commercial” is a convenience facility.
- Can non-emergency antenna co-locate on an “essential emergency facility” tower: Prefers to leave that up to the Commission to decide. Typically most antennas that serve government facilities are full of own facilities, so not the best idea to allow private use.
- Requirement for architectural screening: Suggests caution [Mazalewski passed out photo example of stealth towers camouflaged as a tree].
- Require FAA approval: Yes, should be required.
- Requirement for setbacks: Consider that the City has a lot of small lot sizes. If the setbacks are too great then the City is limiting the tower heights.
- Requirement for height justification: Agree with justification of tower height.
- Clarify that the County’s suggestion didn’t intend for all “emergency facilities” to be subject to the height exception, like Fire Department buildings, just the tower.

Discussion that the current height of existing tower on the old Courthouse is 80-85' tall. Mazalewski described that a taller tower can serve the County better and can provide justification.

Commissioner Chris Valiante asked Mazalewski about in terms of the specific site, what setbacks would work for a tower?

Mazalewski: On the County's property there are adjoining properties that are owned by the same owner that could help achieve a longer setback.

Commissioner Lusser: County could get an agreement with adjacent properties to enforce the setbacks.

Commissioner Jensen: What would hold the County back from co-locating on the Bonneville Power substation tower? Could the County get permission?

Mazalewski: That tower is a public/private tower. It's a longer distance from dispatch and the longer the cable from the tower to the dispatch center, the weaker the signal and more interference. Dispatch would prefer the tower on site or on top of the building to secure quality of signal.

Commissioner Calder: In terms of co-locating, if the tower is built and there happens to be room, couldn't you sell the space and make it available? However, the additional tower height should not be requested for that purpose.

Mazalewski: You wouldn't want to allow the County to build a 150' tower and then sell space to private wireless. Could say if tower is built the maximum height, then the location is only for dispatch and the lower portion could be for private sector.

Commissioner Baldwin: Why is 100' the magic height?

Mazalewski: FAA's maximum is 100' without requiring emergency lighting and beacons. The County specifically looked at what would best serve the entire County and 100' was recommended by the communication consultant.

Commissioner Baldwin: Would want to know the minimum tower height needed based on locations and options for co-location. Would like to see minimization of all towers in the City. The City already has existing towers that look minimally used, so the communication consultant should consider those. Discussed that the site plan of the County's new building did not include the tower.

Koehler: If the County were to apply for a building permit for the tower, it would require review by the Design Review Committee and P&Z.

Commissioner Jensen: Request justification why the existing towers can't be used to co-locate on. Can't imagine there would be that much degradation of signal. If there is an alternative to building another tower, that should be pursued.

Koehler asked for clarification if the P&Z Commission would like the County to pursue justification as to why co-location is not an option prior to pursuing the code amendment or if

justification should be part of the amendment. Commission responded that it should be a requirement as part of the code amendment.

Discussion on FAA requirements including that 100' is the upper limit before the FAA requires a light and that the Bonneville tower was painted red and white for visibility. Commissioner Jensen commented that the Airport Master Plan identifies a maximum height in areas in and around the airport. Suggested that Staff talk to Lillian [Airport consultant].

Commissioner Lusser suggested that perhaps 100' is the level at which we need to look at alternate technology and use repeaters? Mazalewski responded that the County does use repeaters to get better coverage, but one standalone facility would be the most efficient on one site. If the County relies on multiple locations, then it becomes less reliable. Commissioner Lusser added that redundancy is good.

Mazalewski described that when an emergency facility tower is built it must be constructed to a Class 3 so it has stronger wind and seismic loads. They are supposed to withstand natural disasters.

Commissioner Jensen summarized that there are definitely conversations to be had to accommodate the County needs and meet the City's needs. The more justification that can be provided the better. Not sure if we want to have a blanket height for emergencies. We could end up with multiple towers dotting the City at 100' and that's what he's worried about. Maybe use design review as a tool, but need justification to get through the design review process as well.

Commissioners discussed height exceptions for public versus private entities. Commissioner Lusser stated that if we do allow height exceptions then they should be restricted to public entities only and not have cell phone services. Commissioner Calder and Jensen spoke in opposition to the comment and supported the idea of public entities leasing out space if they have the room. Would not want to carte blanche prohibit co-location, but require design review. Commissioner Baldwin summarized design guidelines applicable to towers and visibility.

Mazalewski described the County's timeline for construction of the Law Enforcement Center and hopes that it will be completed in 12-13 months.

Commissioners offered to hold an additional work session to review code language prior to a public hearing. Koehler summarized the potential review process and timeline for the County.

Commissioner Lusser asked why the tower is just being proposed now, what was proposed before? Mazalewski responded that the County knew they needed an antenna, but assumed the height would meet the 45' height limit or 54' height exception.

Commissioner Lusser and Baldwin asked if a new tower is approved would the other repeaters still be needed. Would they go down or be defunct? Could the existing antenna on the old courthouse be removed or instead of a new tower, be modified?

Mazalewski responded that even with a new tower, existing repeaters are still needed because of the terrain and gives a broader range. The Commission could condition the removal of the existing antenna on the courthouse because it wouldn't be needed after a new tower. Not sure if it could be modified because unsure of the structural integrity of that tower and that building is not that stable.

**5) Discussion- Zoning Ordinance Amendment- Land Use Table.** *Staff- Ashley Koehler, Planning & Zoning Administrator*

**Land use table**

P&Z Commission discussed the topics of the land use chart that included “Animal Services”. Discussion to combine “veterinary services for large and small animals” into one category. Also amend the animal auctioning use to allow for animals stored on site for up to five days to accommodate for the 4-H animal auctions as part of the Fair.

**P&Z Commission/Staff Items**

**1. P&Z Commission representative for Teton County Source Water Protection Plan Planning Team.**

Koehler stated that a Commissioner liaison has been requested to be a part of a Planning Team for the Source Water Protection Plan. Meetings would be held from February through May. Commissioner Jen Calder agreed to participate when available.

**2. Schedule for Comprehensive Plan annual update**

Koehler stated that a *recommended action that is part of the Implementation Chapter of the Comp Plan includes the action to “...make annual amendments to maintain current data on population, housing, economic development and public facilities.” Staff has begun this process and provided a schedule to the P&Z Commission for their information and inform them that a sub-committee may need to be formed with P&Z participation.*

*Dec 2012-Jan 2013: Staff analysis on current Plan. What is missing, identify needed updates, review progress and/or completion of actions.*

*Feb-March 2013: Data collection. Update population, existing land use data, maps, land use projections, create basic materials showing key changes and vision/policy questions for public.*

*April-Sept 2013: Community engagement*

*Oct 2013: Draft updated chapters and future land use map*

*Nov-Dec 2013: Adopt updated Comp Plan*

A representative from P&Z probably won't be needed until the Spring.

**3. Establish meeting schedule for the year**

*Koehler described the City Code requirement that P&Z establish and announce their regular meeting schedule for the year. This should take place at the 1<sup>st</sup> meeting in February.*

*Commissioner Rene Lusser made a motion that for 2013, the P&Z Commission shall meet on the 2<sup>nd</sup> Wednesday of each month as follows: March 13, April 10, May 8, June 12, July 10, Aug 14, Sept 11, Oct 9, Nov 13, Dec 11.*

**Commissioner Chris Valiante 2<sup>nd</sup> the motion. Motion passed with all in favor.**

**4. Elect chair/ vice chair**

Koehler explained that City Code requires Chair/Vice Chair election take place every year at the 1<sup>st</sup> meeting in February. Staff recommended that this should be tabled until the March or April meeting so the commissioner's terms are re-appointed or new commissioners are appointed. Discussion on Rene Lusser and Rick Baldwin's term expiration and that the Council will have to vote to re-appoint them because their terms have expired. Both Commissioners expressed interest in staying on the Commission. **Commissioner Rene Lusser made a motion that Delwyn Jensen continue as Chair. Commissioner Chris Valiante 2<sup>nd</sup> the motion. Motion passed with all in favor.**

**Commissioner Jen Calder made a motion for Rick Baldwin to continue as Vice-Chair. Commissioner Rene Lusser 2<sup>nd</sup> the motion. Motion passed with all in favor.**

**Area of Impact applications**

Koehler explained that the County and City are adopting a joint fee schedule and application to help streamline applications for projects in the Area of Impact. Grand Teton Vodka's amendment to their Conditional Use Permit triggered the discussion between the County and City that we should have clear and documented steps for the applicant. [Koehler passed out a summary of the review steps that a CUP in the Area of Impact would be subject to, using Grand Teton Vodka as the example.] Commissioner Lusser described his experience beginning this process with the County and their request for a more detailed application submittal. Discussion on the County's refusal to hold "pre-application" or "concept plan" meetings with the Planning and Zoning Commission out of concern that applicants may perceive positive feedback to mean approval. Koehler stated that she felt the Design Review Sketch Plan process helps address this concern for the applicants as it requires a preliminary site plan and elevations. Commissioner Baldwin stated that DRAC is a recommending body to the P&Z and could bring the discussion to P&Z. Commissioners discussed the Grand Teton Vodka application and that they were generally supportive of expansion and development there.

**Commissioner Chris Valiante made a motion to adjourn. Commissioner Rene Lusser 2<sup>nd</sup> the motion. Motion passed unanimously.**

**Meeting adjourned at 8:45PM.**

Approved:

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Rick Baldwin, Vice-Chair

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Date