

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

MEMBERS PRESENT: Rick Baldwin (Vice-Chair), Chris Valiante, & Jen Calder

STAFF PRESENT: Ashley Koehler, Planning and Zoning Administrator

PUBLIC PRESENT: Tom Davis, Teton County Building; Travis Moulton, Teton Valley Adventures

Commissioner Rick Baldwin called the meeting to order at 6:33 p.m.

1) General Public Input.

Travis Moulton: Owner Teton Valley Adventures snowmobiling business and is concerned about the sign ordinance. He has a flag sign out that says “rental” and has seen other businesses with similar banners. He takes his down at night. He is asking that a consideration be allowed for banners. He looked at a copy of the sign code and thinks the City is in violation of the sign code. He also has a sign out front that is lit, but it goes off at night because it’s on a timer. He has seen others that are on 24 hours a day. He asked about the necessity of the City enforcing the sign code and suggested that the City relax the sign code, especially flag banners. Businesses are just trying to survive. His business is seasonal. There are a lot of businesses with signs that are probably not following the code. The City got a complaint and so his signs got enforced on. He understands that the flag banners may be loud at night blowing in the wind and that’s why he takes his down at night. There’s a business across the street that has a flag and one up the street, but they took theirs down, probably because they got a letter from the City. He has seen a lot sandwich board signs that are too large or are in the wrong spot. Understands that banners against the wall are okay, but his that his is out front and gets put away at night is not. His business is doing better this year, but he is more visible too. He asked the Commission if they would consider looking at the sign code and relaxing enforcements.

2) Approval of Minutes. The Commission reviewed the minutes from February 13, 2013.

Commissioner Chris Valiante moved to approve the minutes of February 13, 2013 as written.

Commissioner Jen Calder seconded the motion. The motion passed with all in favor.

3) Discussion- Zoning Ordinance Text Amendment- Building height exception for essential emergency facilities. Applicant- Teton County, Tom Davis

Ashley Koehler summarized the Staff Report calling out the new highlighted text that outlined the Planning & Zoning Commission (P&Z) comments from the February meeting:

- “Emergency Facilities” should be subject to a height limit and justification for a height exception should be required as part of the review.
- Opinions on both sides on whether it is okay if an “Emergency Facility” tower served as a site for other non-emergency services to co-locate on.
- Architectural and design review standards should be part of the review and approval process.
- Compatibility with the Airport Master Plan and Design Guidelines and Standards should be incorporated into the code language.
- Asked that draft language be reviewed at another work session before it went to a public hearing.

Koehler also described the ordinance amendment conformance to the Airport Master Plan and Layout Plan. She then described the County’s specific code language request and how the process differs from

what Staff recommends. The County's proposal suggests that the code language be included in the Supplementary Regulations section and require only review by the P&Z Administrator. The County hopes to streamline the review process as the County recognizes that tall towers may not necessarily be a desired use, but the purpose certainly is. A height justification, co-location requirement, and site plan submittal would all be part of the review process. The County is interested in feedback on if the review and justification requirements proposed would satisfy the need to go to the Design Review Committee and process. Koehler explained that City Staff reviewed the County's proposal and felt that a height exception up to 100', no matter the requesting entity, should still be reviewed by the P&Z Commission. Staff's proposed language also includes a height justification, co-location requirement, and site plan, but processes it as a Height Exception. Koehler suggested that the P&Z hear from Tom Davis, representing the County, and then go over the code language section by section.

Tom Davis: Spoke with Jay Mazalewski prior to tonight's meeting and has several comments. Stated that he and Mazalewski both felt that going through the DRAC [Design Review Advisory Committee] process shouldn't be required if the amendments go through as proposed and only subject to the justification analysis. Davis displayed a FAA [Federal Aviation Administration] letter as an example of a determination of "no hazard to air navigation." If a tower meets all the justification, then DRAC isn't needed because it would have been reviewed by P&Z.

Discussion on the definition of an "emergency facility" tower and Koehler referred the P&Z to the Staff Report with definition proposed. All agreed that the definition be changed so that it is measured from natural or existing grade.

Commissioners, Koehler, and Davis began reviewing the draft language in Exhibit D of the Staff Report:

- 9-2D-2-B: Difficult to define "compatibility." Commissioners suggested removing "will not likely reduce property values on surrounding parcels."
- 9-2D-2-C-a-i-vi: use consistent negative or positive phrases.
- 9-2D-2-C-a-v: Rephrase this requirement: "The fees, costs, or contractual provisions required by the owner of the proposed co-location site in order to share an existing tower or structure or to adopt an existing tower or structure for share exceed the cost of a new facility by at least fifty percent." Davis stated that it would be difficult to determine the cost without knowing the number of years a contract would be for. Commissioners requested this requirement remain, but be modified, maybe consider 100%.
- 9-2D-2-C-b: Commissioners okay with incorporating the County's suggestion to have lights on top of the tower if the FAA required and there were no alternatives.
- Commissioners agreed that the amendment be specific to only emergency towers and not all communication towers. Height exceptions should still go to P&Z. Commissioner Baldwin stated that he would like to see "emergency" and "private" towers separated because he doesn't want to see a proliferation of towers. He is okay with no DRAC review if for emergency towers, but not private. Koehler summarized statements from the Design Review standards that require screening of mechanical equipment and in some zones, roof-top antennas can't be visible from a public street. Commissioners suggested that 9-2D-3-E could be removed: *"If located in the Design Review Overlay Zone, must receive review and recommendation from the Design Review Advisory Committee in accordance with Appendix A Commercial Design Standards and Guidelines."*

- 9-2D-2-C-c-iii: Davis supported a reduction from the proposed 1:1 setback to height ration, but stated that the towers should be allowed in any lot. Discussion on setback requirements to alleviate safety or hazard concerns on if a tower were to fall or drop ice. Suggestion on obtaining leases from adjacent property owners in cases when lot boundaries are not large enough. Consider a percentage setback, possibly 50-100%. Commissioner Valiante added that it is also to avoid the looming effect on adjacent properties and residences. Commissioners agreed that more research is needed and that Staff consider the tower's footprint and cross section, not just height. Davis reported that the Bonneville tower has a 15' cross section and the County would like to construct a tower with a 9' cross section.
- 9-2D-3-B: Koehler recommended that the P&Z consider a maximum height of 100' for a tower. A cap is necessary to protect the skyline and so that variances can be applied for to exceed. Davis requested that the height be left open ended because technology may change so that towers could get taller, but footprints get smaller. Commissioners agreed that a maximum height of 100' remain.
- 9-2D-4: Davis asked if P&Z would consider the process an administrative review and waive application fees. Commissioners had no comment on fees and suggested that be discussed with the Council. Would like to see the revised language and hear comments from the public before they comment again on the review process. Commissioners did confirm that other non-emergency facilities should go before P&Z.
- Zoning Use Chart: Davis requested that emergency towers be allowed in all zones that public facilities would be located in. Commissioner Valiante responded that it is not just what zone it is in, but what zone it adjoins. Commissioners agreed that it could be allowed with standards in the proposed language no matter the height and asked Staff to research further the revisions to the zoning Use Chart to consider different types of public facilities.

4) Commissioner Comments.

Commissioners discussed the public input received. Koehler described the enforcement procedure on Teton Valley Adventures and other businesses that also had flag banners. She described that she is still in discussion with Moulton about his signs and recommending that they look towards what he can do differently next winter season. Commissioner Valiante agreed with the ban on those types of banners, but would be open to look at sizes for portable signs. Commissioner Baldwin added that banner enforcement is not new and has been done in the past. Koehler described special provisions the City has for seasonal sidewalk sales. Commissioners agreed that we want to see business succeed, but does not want to see several signs competing with each other everywhere. Discussion on the specific site of Moulton's business and constraints he has, which make the other sign options not as appealing. Discussion on Victor City's sign code and their allowance for building mounted flags that depict a graphic of the business type but no words. Commissioners all agreed that flag banners should still not be allowed, but would consider a larger portable sign.

Koehler passed out copies of the City's 2012 Fiscal Year Annual Report.

Commissioner Jen Calder made a motion to adjourn at 8:37p.m. Commissioner Chris Valiante 2nd the motion. The motion passed with all in favor.

Meeting adjourned at 8:37 p.m.

Approved by:

Rick Baldwin (Vice-Chair)

Date