

**A CONDITIONAL USE PERMIT REQUEST FOR THE  
SILVER STAR COMMUNICATIONS  
SOUTH CLEMENTSVILLE  
TELECOMMUNICATIONS TOWER**

The Teton County Board of County Commission  
Public Hearing of April 12, 2012

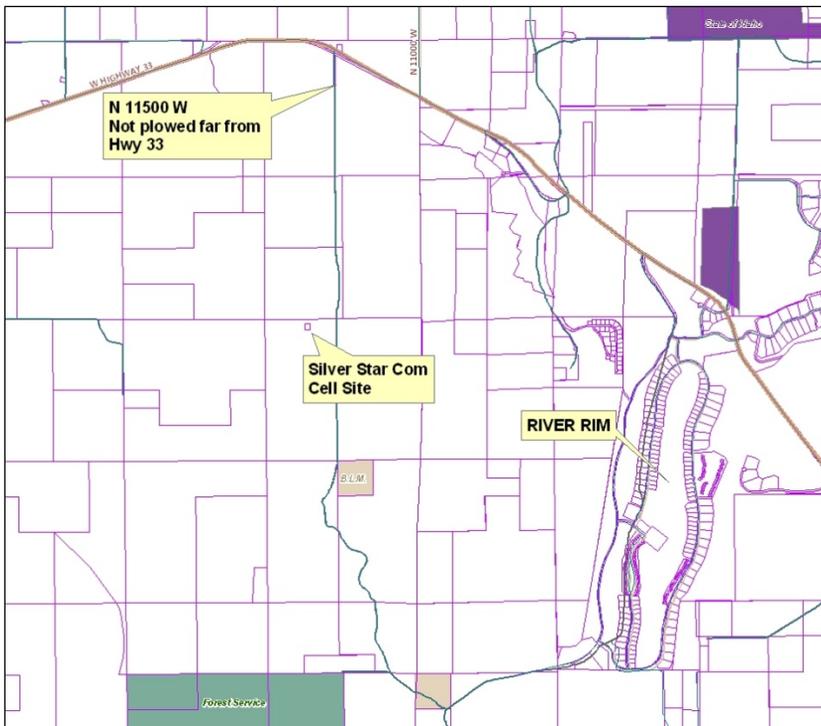
**This application was continued from the March 17, 2011 Public Hearing**

**APPLICANT:** Silver Star Communications

**REQUEST:** The Conditional Use Permit application proposes to remove the existing reflector panels from the .92 acre site and install a 100-foot tall telecommunications tower plus four small buildings on skids to house electronics. New perimeter fencing will be installed. The new facilities, called the South Clementsville Tower, would increase cellular coverage in the north county.

**APPLICABLE CODES:** Teton County Zoning Ordinance Title 8, Section 8-6-1 Conditional Use Permit Section 8-4-6 Outdoor Lighting; Idaho Code Title 67 Chapter 65, Sections 6509, 6511A, 6512; IDAPA 39 Title Chapter 2, International Building Code.

**VICINITY MAP**



**LOCATION:** Township 6 North,  
Range 43 East, Section 13

**PARCEL NUMBER:**  
RP06N43E132700

**ZONING DISTRICT:** A-20

**PROPERTY SIZE:** 0.92 Acres

**OVERLAY:** Wildlife Habitat Overlay

**ACCESS:** via Milk Creek Road and  
seasonal two-track access road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

**Motion:** Mr. Hensel moved to recommend the C.U.P. for Silver Star's communication tower be approved with all conditions stated in the staff report (Appendix A), plus that the C.U.P. expires in 10 years and that Silver Star come up with a decommissioning plan if the tower is not in commercial operation for a 12 month period, establishing removal of the tower or surety for removal by the county if not in use. The approval is for one tower and, regarding the MOU dated 1/6/11, the Commission agrees to the conditions as stated. Mr. Arnold seconded the motion.

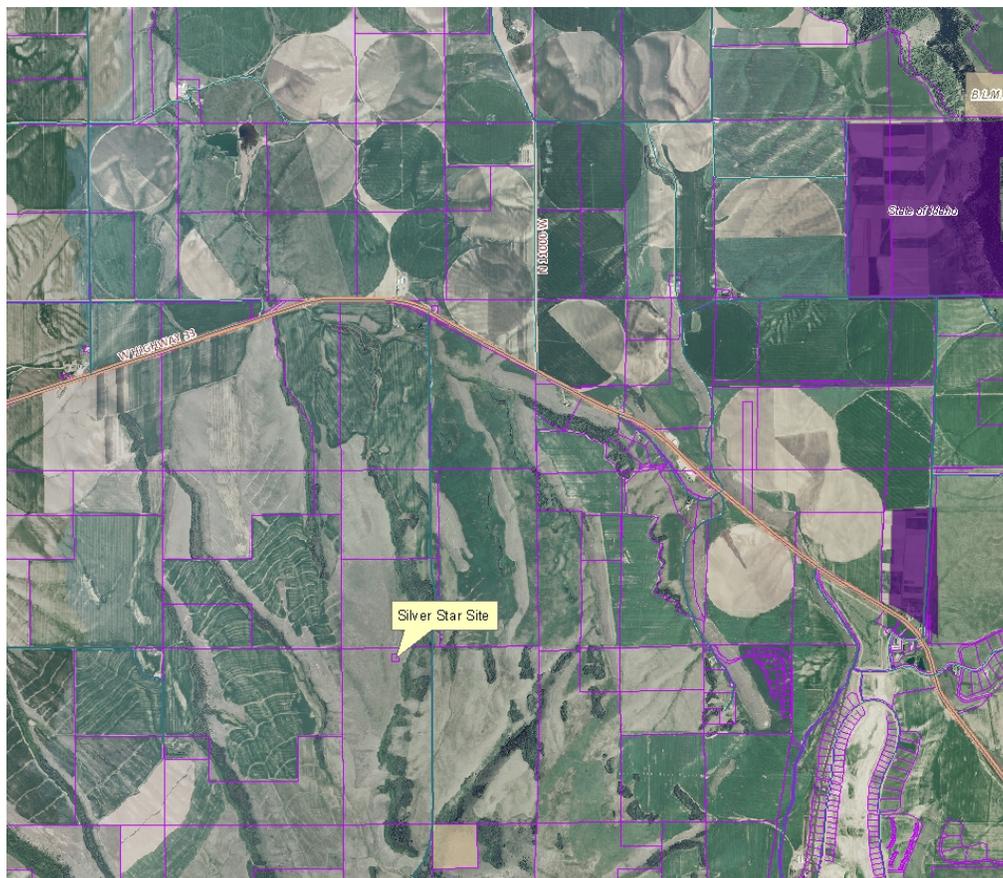
**Vote:** The motion passed unanimously

**PROJECT PROPOSAL:**

The Silver Star Communications (SSC) application proposes the following:

- Remove the two existing reflector panels and foundations.
- Build a single, self-supporting lattice style tower of 100-feet in height. According to the application narrative, “the proposed site is needed to improve coverage in areas along Highway 33 not currently reachable in River Rim and Clementsville using existing towers.” The narrative also states : that “the tower height of 100-feet is needed to provide adequate coverage and to allow additional carriers on the tower.”
- Install several small buildings on skids to house electronics.
- Add a perimeter fence.
- Install electric power to site\*.

\*In the course of the 2011 CUP review, it was found that Silver Star also sought to have an offsite electric power line installed to their non-electrified site. This would require the establishment of an easement across Grand View LLC property and the installation of the power line, either via a buried underground line or via overhead power lines.



Aerial View of the Clementsville Tower site south of Hwy 33

**PROJECT HISTORY:**

November 15, 2010. CUP and height variance applications were originally submitted.

January 11, 2011. Planning & Zoning Commission held a public hearing for both applications. The adjoining landowner, Grandview LLC, did not present any written or oral comments prior to or during the public hearing, so their objections were not known about at this hearing date. The PZC recommended approval of the CUP and added two conditions, number 6 and 7.

January 11, 2011. **The Board of Adjustment approved a variance** for a 100-foot cell tower. The variance was granted within the context of the CUP review, but by a separate motion and after having made the variance findings. The applicant proposed that the extra height above 30-feet would allow for fewer towers because the co-location of equipment from multiple wireless providers could potentially reduce the number of towers needed in the north valley. Silver Star made the case that existing towers still left a non-reception area for cell service. Also, the 100-foot tower would provide space for a radio antenna to be used by Teton County emergency responders. The E911 radio equipment could be placed on the tower at about the 40-foot height and it would provide coverage where that radio service is not currently available. There was no public or landowner opposition presented about the variance before or during the PCZ public hearing.

March 17, 2011. Board of County Commission public hearing. Sean Moulton, representing Grand View LLC presented several issues that had not previously been presented to either the Planning Staff or the Planning & Zoning Commission. The Board made a motion to have the issues addressed and continued the meeting. The complete public hearing minutes are attached to this report and the Board’s motion is printed below:



The existing panels are approximately 1.7 miles from the nearest section of Highway 33.

There are locations along Hwy 33 that can see the tower where the roadway is about 2.5 miles (straight line) from the panels.

### **BOARD OF COUNTY COMMISSION MOTION –MARCH 17, 2011**

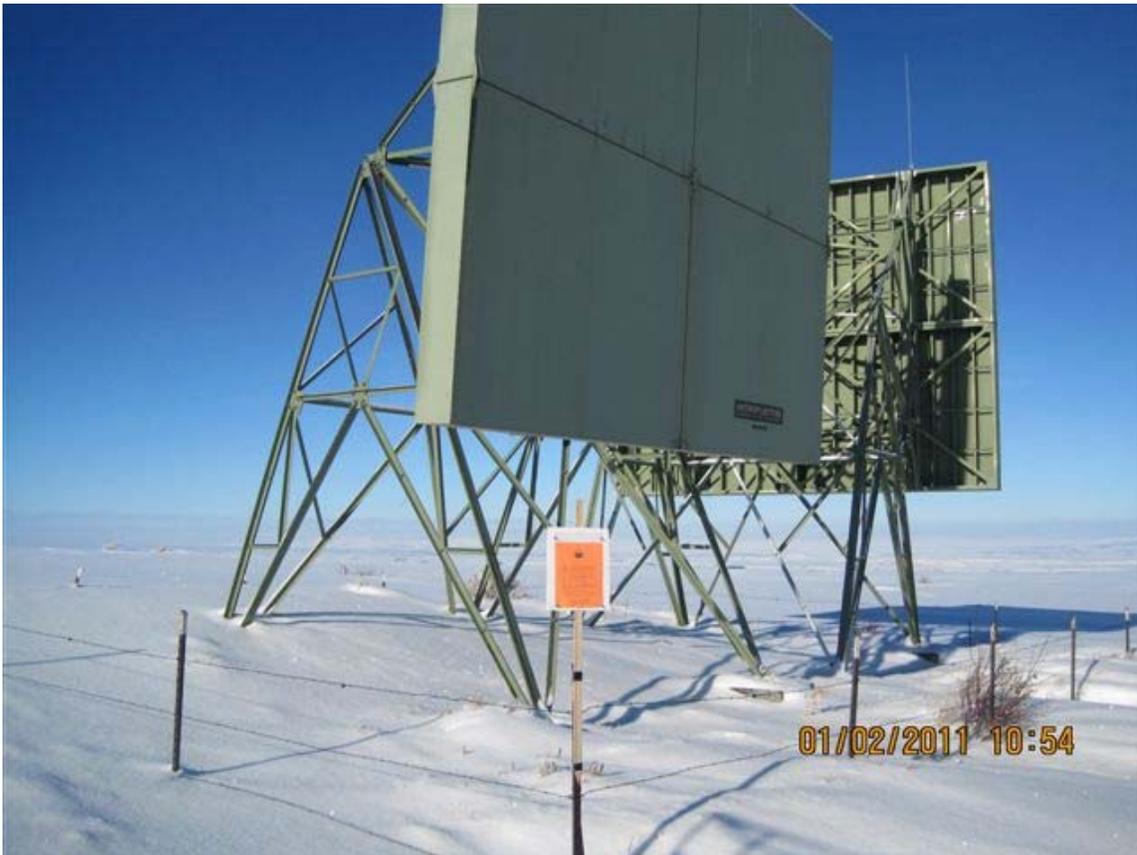
• **MOTION.** 8:13 pm Commissioner Park made a motion to **continue** the Conditional Use Permit Application for Silver Star Communications to an undetermined future date. The hearing will resume when the Teton County Planning staff is in receipt of the following information:

1. Defined “power source” and documentation of design, layout and visual impact to the area
2. Visual and written documentation of the visual and environmental impact for entire project including the chosen power source
3. Contact the Department of Idaho Fish & Game to determine the impact of chosen power source, installation and use on Sage grouse leks and elk calving grounds, as well as any other critical wildlife relying on the habitat
4. Resolve conditions of the public use lease agreement (e.g. County should have use at no cost, in perpetuity, for emergency equipment attached to the tower.)

Motion seconded by Commissioner Benedict and passed unanimously.

**PROJECT ACTIVITY AFTER THE BOCC PUBLIC HEARING –MARCH 17, 2011**

- April 4, 2011. Idaho Fish & Game letter received in response to wildlife issues that were raised at the BOCC hearing of March 17<sup>th</sup>, 2011.
- Spring 2011. A court case about the electric power easement came to a settlement in which it was decided that a Fall River Electric power line could be installed to the Silver Star site. The alignment for the power line was altered to better suit Grand View Ranch and it was agreed that the power line would be buried underground.



The existing reflector panels in 2011, prior to the electric line being installed to the site.  
Photo: Silver Star personnel

Summer 2011. The Fall River Electric power line was physically buried underground to the Silver Star Communications site. Silver Star desired electricity to the site regardless of whether the 100-foot tower was approved. Silver Star told Planning Staff that they will use the electricity regardless of what type of equipment is at the site.

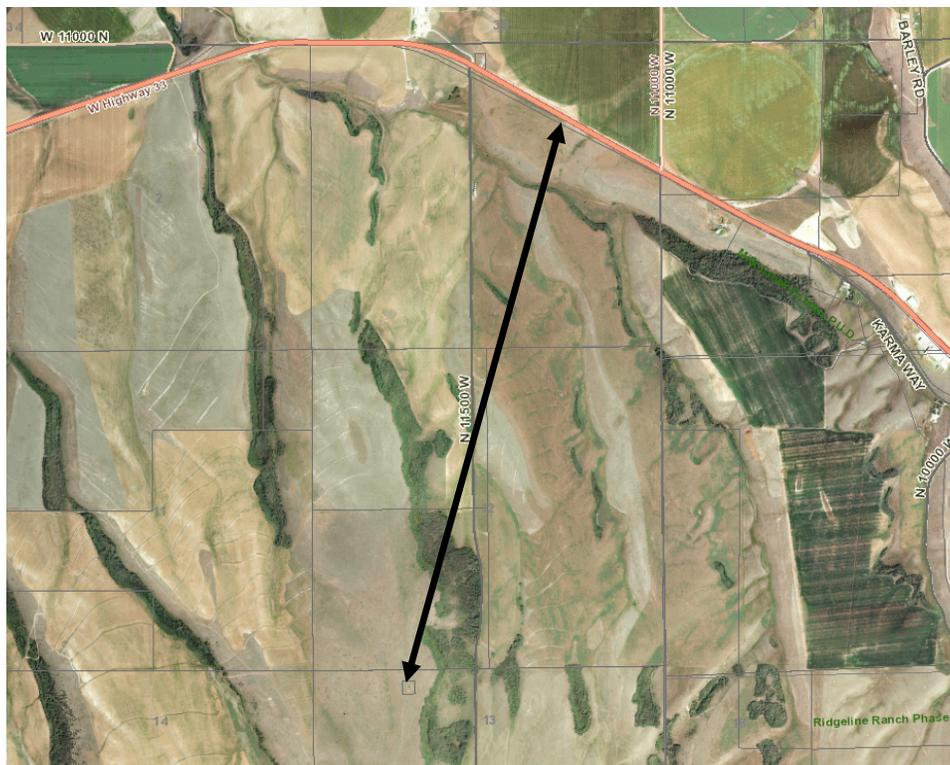
Winter 2011-2012. Planning Staff left messages for Project Engineer Karen Ricks enquiring about the status of the project and application. She had retired and we did not hear back about the application.

Winter–Spring 2012. Three issues converged which made the County aware that the existing Zoning Ordinance does not have specifications or appropriate processes to allow for structures that are typically taller than 30-feet.

- First, it was found that Conditional Use Permits alone should not allow structures to exceed an explicitly listed building height limit. The Burns Concrete- Idaho Supreme Court case found that a Conditional Use Permit review is not the appropriate type of process to authorized variances, in this case for the tall batch plant north of Driggs.

- Secondly, the county’s variance findings are derived from Idaho State statutes and the language does not allow for consideration of the “intended use or type of building being proposed”. Considering the proposed building, or the intended use, is allowed in some other state’s variance considerations, but not Idaho. Idaho statutes limit variance factors to “characteristics of the site”; this makes the granting of height variances a uniquely difficult situation.
- Lastly, a 70-foot steeple on a proposed church made it clear that there were gaps in the height-specifications section of the Teton County Zoning Ordinance. In particular, cell towers, steeples, clock towers, cupolas, wind turbines, and other structures are not specifically exempted from the general building height regulations in Teton County.
- To rectify the gaps in the height regulations, the Planning & Zoning Commission held a workshop about the various height-regulation options on March 13<sup>th</sup>, 2012. The Commissioners considered a range of alternatives and directed the Planning Staff to write a draft ordinance that provides more specific rules about tall structures. The PZC might further refine the draft ordinance and it may undergo further revisions by the Board before it becomes adopted. Presently, the draft ordinance would allow for a site-specific conditional use permit review to determine a cell tower’s height. By specifically identifying that a CUP process would determine height, a proposed structure would not require an “undue hardship” to be established and would not require a variance to be granted.

February 2012. Silver Star asked to be placed back on the BOCC agenda. A letter from Project Manager Karen Ricks dated April 14, 2011 was the applicant’s response to the four issues identified in the BOCC motion of March 17, 2011. In March, 2012, Silver Star also submitted some new photo-simulations of the 100-foot tower, as seen from Highway 33.



The SSC cell site is over 1.7 miles from Hwy 33 at this location.

**FINDINGS OF FACT REGARDING NOTIFICATIONS REQUIREMENTS FOR PUBLIC HEARINGS:**

Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 8, Section 8-6-1 of the Teton County Zoning Ordinance.

1. The public hearing of April 12, 2012 for the Board of County Commission was duly noticed in the Teton Valley News for a conditional use permit.
2. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and the mailing also went to anyone within a subdivision that has a lot within 300 feet of a project also gets a notification.
3. The property was posted in accordance with Idaho Code 67-6511 and 67-6509.



A zoomed in view of the existing panels.  
  
Looking southwest.  
  
Staff Photo

**COMMENTS FROM THE PUBLIC AND NOTIFIED LANDOWNERS:**

- The Planning & Zoning Commission public hearing minutes document two comments from VARD and the other Mr. Richard Grundler; see the attached minutes.
- A letter from Sean Moulton for adjacent landowner Grand View Ranch IV was entered into the record and Mr. Moulton presented their issues to the Board at the March 17, 2011 public hearing.
- A conversation between Grand View Ranch’s attorney, Sean Moulton, and the Planning Staff revealed that the landowner that completely surrounds this telecommunications site is still likely to oppose the 100-foot tower even though a power line easement agreement was finalized.

**FINDINGS OF FACT REGARDING SOLICITATIONS FOR COMMENT FROM APPLICABLE REVIEWING AGENCIES:**

The following agencies were contacted in 2010 and 2011 for the Planning Commission and Board of County Commission’s review. The input of Idaho Fish and Game Department was sought after the March 17, 2011 public hearing by the Board of County Commission.

Idaho Fish & Game Department: Prior to the March 17, 2011 BOCC public hearing, IDFG had not been contacted for comment because there was no new ground disturbance or “new type of land use” being proposed at the site. Following the objections presented by Grand View Ranch at the hearing, Staff solicited IDFG and received a letter from Regional Supervisor Steve Schmidt dated April 4, 2011. The IDFG recommendation is excerpted and the full letter is attached to this report.

This general area provides yearlong habitat for moose. Elk and deer use aspen stringers for calving and fawning, but the mid-summer construction timing would not interfere with either, which occur mid-May to mid-June. Typically this area has too much snow to provide winter habitat for elk and deer. This is not part of a known big game migration corridor but it is a raptor (hawks and other birds of prey) migration route. There are several sharp-tailed grouse leks (breeding areas) within approximately two miles of the proposed project. Sharp-tailed grouse breeding and nesting would be over by the time of construction. Sharp-tailed grouse use the aspen and mountain shrub habitats for winter habitat. Other wildlife that would be expected to use the property includes songbirds, ruffed grouse, coyote, badger, and other small mammals. Sage-grouse habitat is limited in this area.

Because of raptor migration and sharp-tailed grouse use, we recommend underground or on-the-ground power line construction from the road to the power station. If that is not possible, we recommend power line reflectors spaced at five foot intervals, to reduce power line bird strikes. Reflector designs are available at our office.

Teton County Building & Planning Department- Building Official: See the attached letter from Tom Davis. Mr. Davis outlined that a building permit must be submitted, and it should include the tower’s engineering specifications. A condition of approval has been formulated to require a building permit for the tower and associated buildings.

Teton County Engineer: The County Engineer exchanged emails with the Silver Star project engineer regarding the “Importance Factor” rating. In short, critical community facilities such as power plants, wastewater treatment facilities, some communication towers, hospitals, etc. may sometimes have their structural specifications increased to handle more snow, wind, seismic loads. Structures that provide a critical function to a community in the event of a disaster or storm are therefore less prone to failure given the increased strength. A factor of 1.15 is about 15% stronger than a 1.0 –“code-prescribed minimum” structure. See the attached Technical Bulletin. The County Engineer agreed with the Building Official that a set of engineer-stamped structural plans for the tower would need to be submitted with the building permit application.

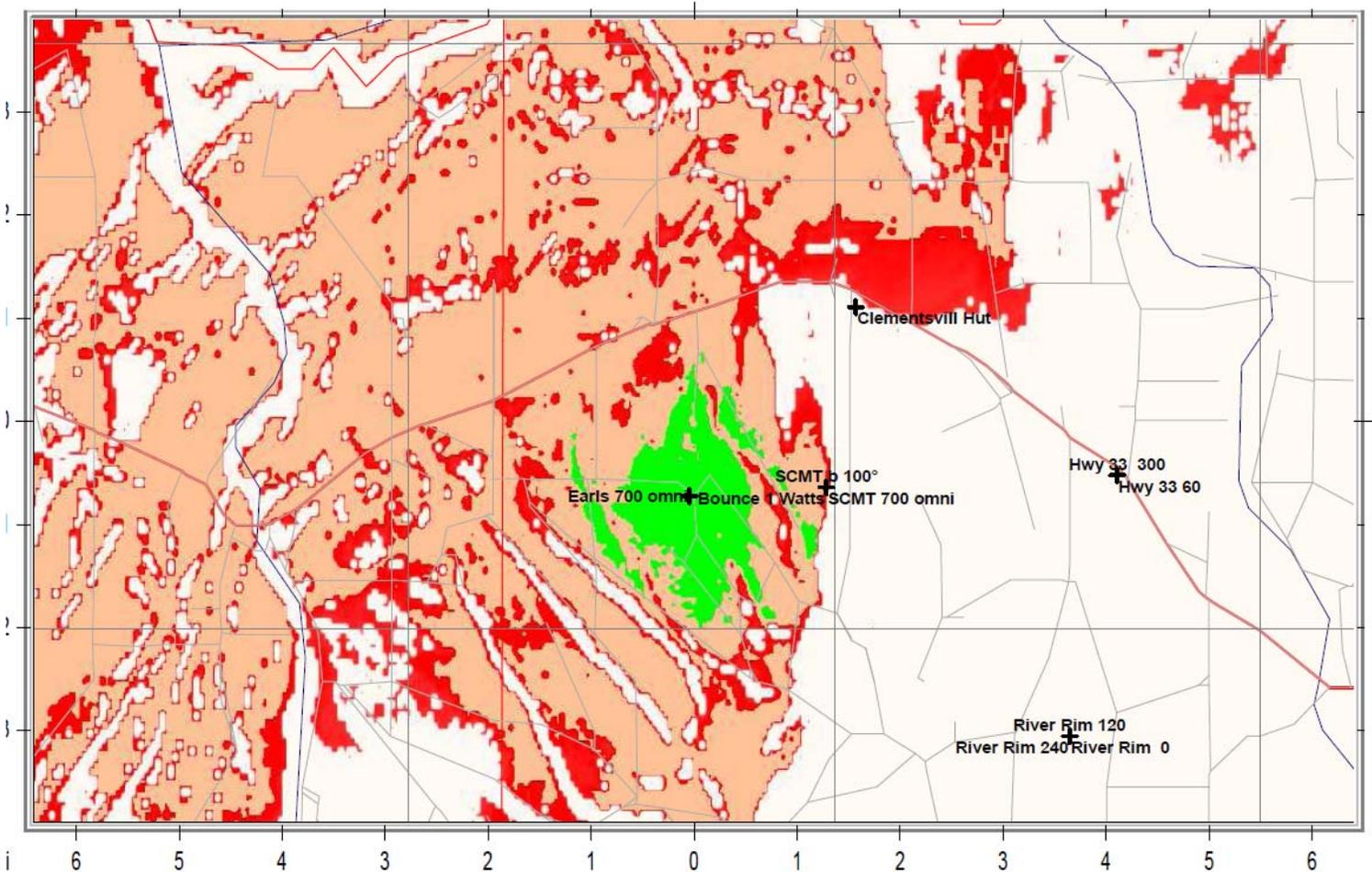
City of Driggs- Airport: Information about the tower location and finished height elevation was forwarded to Lillian Bowen of The Right Approach. She contracts with the Airport Board on technical matters. After the Planning & Zoning Commission hearing, Ms. Bowen told Planning Staff that the tower is not an issue for the aviation associated with the airport.

Teton County Emergency Management: Teton County Emergency Management Coordinator Greg Adams reviewed the application and remarked that the County has a dead spot for emergency responders in the north

county in the vicinity of River Rim project. Mr. Adams requested that the cell tower reserve some space so that county emergency responder-agencies may attach, at some future time, up to two antennas for use in “expanding the public safety communications infrastructure in that area”. The two antennae are required to complete back and forth communications. Mr. Adams also requested internal building space and a shared agreement to pay for the use of onsite power/electricity. In response to the request, Silver Star worked with the Emergency Management Coordinator and agreed to provide a space at 40-feet on the Clementsville tower and a space in one of the small electronics shed. A draft MOU was being reconsidered after almost a year of inactivity for this project.

As a consequence of installing radio equipment at this site, emergency responders and the Sherriff’s Department are not likely to experience as much of a radio dead zone in the north county area. In particular, there is an area on Highway 33 referred to as “fatality curve” where there have been fatal wrecks and radio communications were restricted. According to the Fire District, Sherriff’s Department and EM Coordinator, all responders would have to switch from the regular channels to VHF frequencies. This switch apparently creates added complications to an efficiently coordinated emergency response.

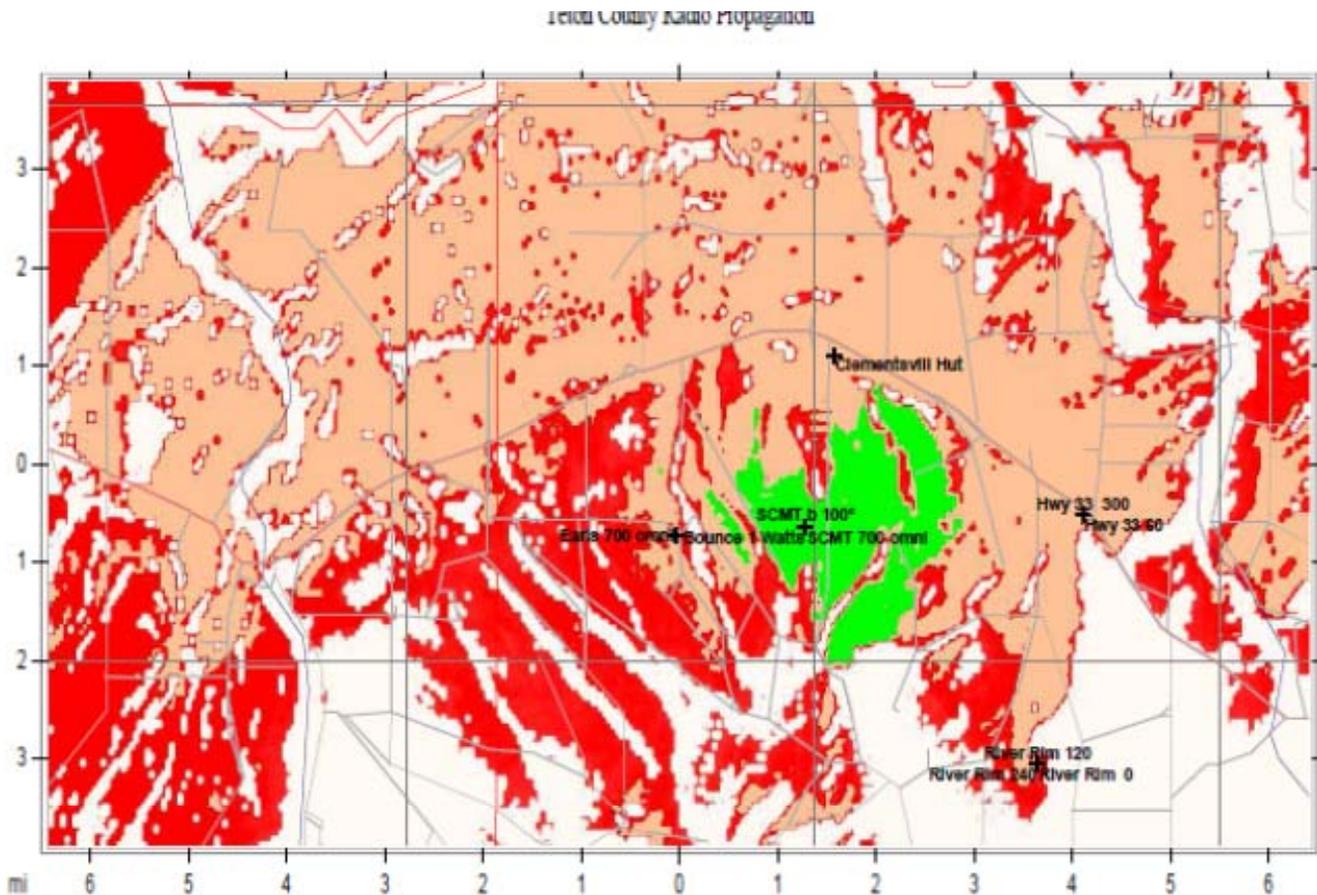
Teton County Radio Propagation



**A comparison of radio propagation between two nearby towers:** At the request of staff, Silver Star produced radio propagation maps that depict the coverage of the frequencies used by county emergency

responders. The map above depicts where those frequencies reach if attached at the 40-foot level on the Earl's Wireless tower. That tower is about 7200-foot west of the SSC site and lower in base elevation. The white and red areas would not receive a sufficient signal and the green and salmon colored areas have reception. A Silver Star engineer said that the top elevation of the Earl's tower is about even with the bottom of the SSC tower. Observations from the highway tend to collaborate that there is higher elevation ground to the east of the Earl's Wireless tower.

The map below depicts the coverage of the emergency radio frequencies (770 MHZ) from the SSC tower location and at the 40-foot level. Forty feet is the height that was agreed to by SSC and the County Emergency Management Coordinator.



The forty-foot height on the SSC proposed tower has more coverage than the Earl's Wireless tower, at least for the 770 MHz frequencies. The so-called "fatality corner" area is covered near the "Clementsville Hut", which is adjacent to Highway 33.

A Memorandum of Understanding regarding this tower arrangement was drafted and reviewed in 2011 by the County Attorney, see the attached MOU. A number of details about this MOU were further discussed by the Planning & Zoning Commission and Mr. Ron McCue, Chief Operating Officer for Silver Star Communications.

**FINDINGS OF FACT REGARDING PROJECT'S CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE TETON COUNTY COMPREHENSIVE PLAN 2004-2010**

Attached to this report is the Planning Staff's assessment and comments about this project's consistency with all of policies and implementation statements listed in the Teton County Comprehensive Plan 2004-2010. The

chapter of the plan with the most applicable policies and implementation statements is discussed in more detail below.

**Chapter 12 Public Services & Utilities:**

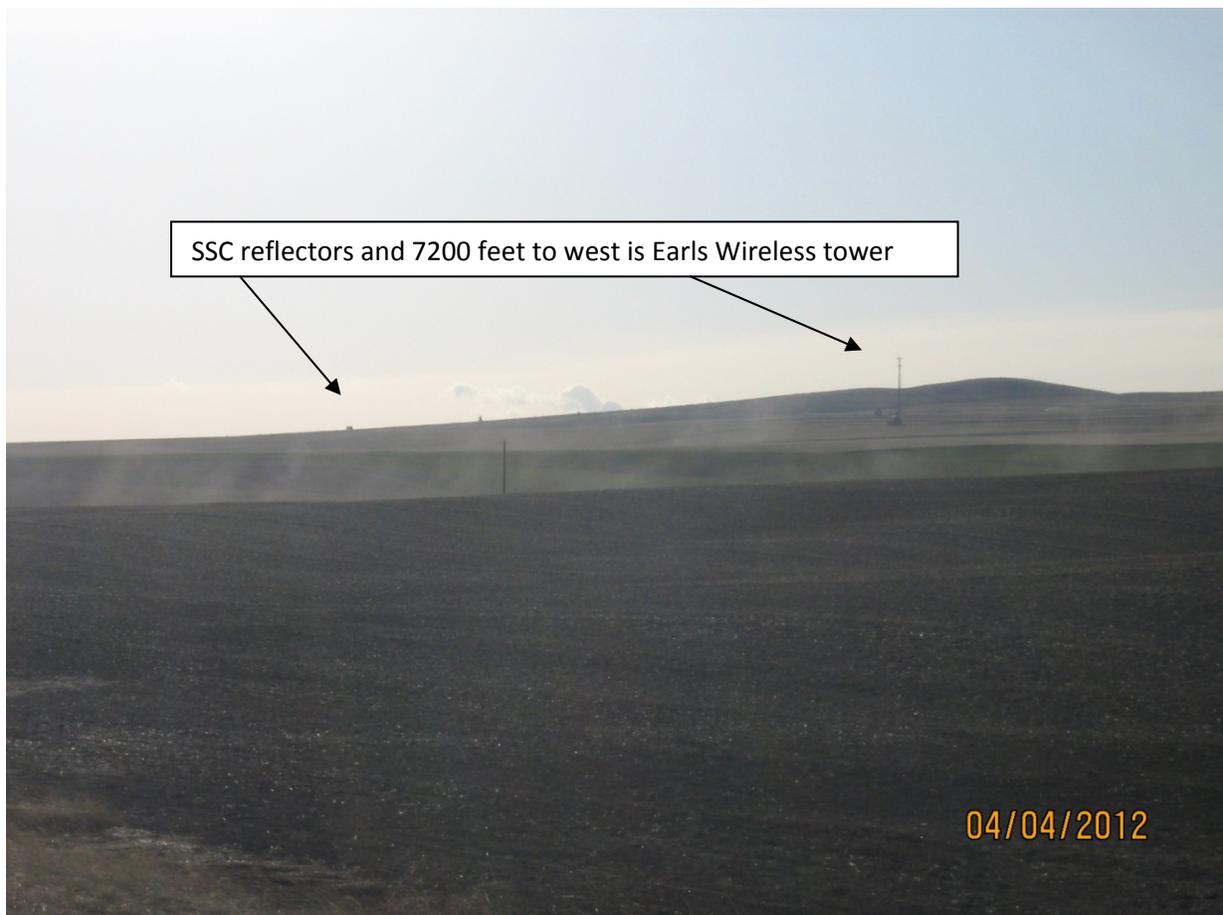
Policy Goal #2 states: *Ensure that public utility expansion does not have a significant negative impact on the county’s scenic views or individual property rights.*

Staff Analysis: The key term here is “significant”. The proposed telecommunications site is on a visible, high ground site and in an almost treeless ridge. On the other hand it is located in an undeveloped area and there are no neighborhoods close by. The Scenic Corridor does not extend up to the tower location, which is more than a mile from the highway.

Implementation #15 states:

*Communication towers should be placed to minimize visual impacts.*

Staff Analysis: The existing set of reflector panels was placed on the site in the 1970’s, long before the community’s policy goals were drafted in the present Comprehensive Plan. These solid reflector panels would be removed from the site to make space for the lattice style tower. If a communication tower is either tall or situated on higher ground (where it can be widely seen) then the radio coverage has fewer limitations. The operational characteristics of a cell tower to be visible are somewhat at odds to eliminating their visual impacts. The Earls Wireless tower that is 7200 feet to the west has less coverage than a 100-foot tower at the SSC site, according to the SSC mapped analysis.



View from Hwy 33 looking southeast. Both telecom facilities visible

**STANDARD CONDITIONS FOR CONDITIONAL USE PERMITS** (Written by Staff and recommended by Planning & Zoning Commission)

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the Satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. The Conditional Use Permit approval shall be effectuated within a period of twelve (12) months from the approval date. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety days.
3. The project is approved as shown in Attachments and as conditioned or modified below. This conditional use permit authorizes a 100-foot cell phone tower that is depicted to provide space for four antennae, two dishes, four small buildings, and chain-link perimeter fencing. No other expansion of uses are authorized or permitted.
4. As a condition of approval, the Owner (Silver Star) or an agent of Owner acceptable to the County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify Owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
5. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of Title 8 of the Teton County Zoning Ordinance, as amended September 16, 2010.

**SECTION 8-6-1-B-8-D ADDITIONAL CONDITIONS (For Conditional Uses)**

1. In order to demonstrate that the height variance of 100-feet is complied to, the applicant shall provide a set of building plans with the Building Permit application that will show the finished tower height as measured from the existing grade elevation, i.e. grade that has not been mounded higher than what currently exists. If further raising up of the grade is needed and elevates the structure's base higher than the existing grade, then the applicant shall specify the grading height changes in the building permit.
2. In order to comply with the International Building Code and the related Teton County Code Resolution, a Building Permit is required, as described in the Building Official's comment letter. Certification shall be provided from a professional, licensed State of Idaho Engineer that the structure complies with the IBC Section 3108 Telecommunication and Broadcast Towers, and the TIA-222 standards.
3. In order to comply with the Purpose statement in Section 8-4-6 Outdoor Lighting, and to reduce undesirable visual impacts in this rural part of the county, no exterior lighting shall be placed on the tower without administratively amending this CUP.
4. In order to comply with the Section 8-4-6-H Operation of Lighting, and to reduce undesirable visual impacts in this rural part of the County, any onsite work lighting shall be turned off when no employees are working

at the site. A written onsite notice about “turning off the lights” shall be posted onsite to remind various service workers of this requirement.

5. In order to be consistent with the Comprehensive Plan’s policy and implementation statement discussed in this report, and to reduce undesirable visual impacts in this rural part of the County, a) non-reflective surfaces and b) neutral colors shall be used on the buildings and tower.
6. (Added by PZC) The Clementsville Tower CUP shall be reevaluated 10 years from the date of approval. The C.U.P. expires in 10 years and will be re-evaluated for renewal at that time.
7. *Prior to the issuance of a Building Permit, (next section added by PZC) Silver Star shall have present and have approved by the Planning Administrator a decommissioning plan for the tower when it is not in commercial operation for a 12 month period. The plan should establish the responsibility for removal of the tower, or surety for removal by the county if not in use. Condition refined by Planning Staff after March 17, 2011 public hearing)*
8. In order to mitigate against negative impacts to elk and deer and to be consistent with the Idaho Fish and Game recommendation in the April 4, 2011 letter, no site work or tower construction shall begin before June 15<sup>th</sup>. (*Condition added by Planning Staff after March 17, 2011 public hearing*)

#### **FINDINGS OF FACT REGARDING THE SILVER STAR CONDITONAL USE PERMIT APPLICATION**

The Silver Star Communications Conditional Use Permit and Variance applications were properly noticed and advertized and public hearings were held. An opportunity for Public Comment was provided for and public comment was presented and admitted into the public record.

The Planning & Zoning Commission (acting as the Board of Adjustment) granted a variance for the SSC tower to be 100-feet tall and the Conditional Use Permit review proceeded after establishing that the height could be allowed to exceed 30-feet and no longer violate any regulatory restriction.

The Planning & Zoning Commission considered the four standards for approving a Conditional Use Permit and recommended approval of the CUP. They referred to the findings of fact as justification for their approval.

The Commissioners reviewed the staff report’s recommended conditions of approval and added conditions 6 and 7 (above) to them.

The one and only surrounding landowner of the SCC did not present opposition to the project at the time of the Planning and Zoning Commission public hearing in January 2011.

Opposition to the SSC application was presented at the BOCC hearing of March 17, 2011. At that hearing, Grand View Ranch’s issues were presented as wildlife impacts, visual impacts of a ridgeline tower, and an electric line’s utility easement across their property.

Following the BOCC March 17<sup>th</sup> public hearing, the Idaho Department of Fish & Game was contacted and a comment letter dated April 4, 2011 was received. It requested the following restrictions: 1) mid-summer construction time limits, and 2) the use of an underground power line rather than an overhead power line.

Following the BOCC March 17<sup>th</sup> public hearing, the utility easement issue was apparently reconciled and an underground power line was installed across the Grand View Ranch property.

The lawyer for the adjacent landowner's contended that a skyline study should be done for the proposed tower. Staff examined the skyline related regulations in the Teton County Zoning Ordinance. The following section is most relevant: The Design Review (ridgeline) section of 8-5-2-D-1 would apply to "the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads".

The SSC site was measured via GIS to be greater than 1.7 horizontal miles from the closest point of Highway 33.

The application of the Design Review standards was not triggered because the distance of the site was more than one mile from the Highway. The Planning Staff had not been directed to apply the Scenic Corridor ridgeline standards in a wider area than the ordinance stipulated.

If the Design Review standards were applied to the SSC site, Staff found that three of four standards would not have difficulties complying. The subsections are: a) Setbacks, c) Building materials and d) Roads and Driveways.

The fourth standard, subsection b) Building Envelopes, would not be directly pertinent to an existing, established site that is 9/10<sup>th</sup> of an acre. Building envelopes are commonly defined as "an area within the property boundaries of a lot or tract within which an allowed building or structure may be placed". With less than one acre to build on, the different tower placement options on the one acre parcel would all produce a substantially similar visual impact to travelers who would be more than one mile away.



The existing reflector panels, as seen from Hwy 33, looking southwest are underneath the "n" in the label. Staff Photo.

**SECTION 8-6-1-B-7, CRITERIA FOR APPROVAL OF A CONDITIONAL USE: FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR SILVER STAR CONDITIONAL USE PERMIT APPLICATION**

**1. The location of the proposed use is compatible to other uses in the general neighborhood.**

The Planning and Zoning Commission found that this criterion had been met. However, the surrounding landowner did not provide comment or present opposition to the P& Z Commission. During the March 17, 2011 public hearing, they revealed their opposition to the SSC tower. Depending on the arguments they may present now in 2012, this criterion could be determined either way. There have been no formal letters of opposition from the surrounding landowners since March 2011.

Regarding CUP criteria #1, the Silver Star CUP application states the following:

*"The proposed site will not be a detriment to public health, safety or welfare to neighboring property owners. This site will enable cell phone users to make emergency calls if needed due to some adverse weather conditions that can arise on State Highway 33. This will also be an asset to local farming communities for communications between workers out in the field. The new Proposed Site will enable all cell phone users to have better coverage for work, recreation, and personal use"*

The *location* of the proposed telecommunication facility is no different from the *location* that has been in existence for over 30 years. The proposed *use* is generally the same as the existing *use*; however, the proposed *structure* (tower) is different from the existing *structure*. There is a different visual look to the new structure. The question could be asked if the proposed 100-foot tower is any less or more compatible to the general neighborhood than the existing two reflector panels. If the structure were deemed to have a significant negative impact on the adjoining property, then it might not be considered compatible.

In the review of a Conditional Use Permit, the visual impacts to adjoining neighbors is a major consideration that frequently affects conditions of approval or the approval of the application. This is a significant enough of an issue that cell tower designs now incorporate conifer and palm tree camouflage designs, as well as in flag poles and silos. County Commissioners in Jackson Hole have required spruce tree style cell towers in order to mitigate visual impacts to nearby neighbors- even when the cell tower was not highly visible from highways.

The area around the .92 acre communications site has no homes nearby, however there are almost no trees in this area and any structure can be seen for long distances. There are no tower lights proposed and the sound generation from the new equipment is not expected to be a nuisance to nearby homes. Current land use conditions in the “general neighborhood” consist of grazing by cattle and/or wildlife.

**2. Use will not place undue burden on existing public services and facilities in the vicinity.**

This finding is met.

This use is not expected to place undue burden on existing public services and facilities in the vicinity. This project will increase public services by providing improved communications for public use. Emergency public responders require radio communications in order to effectively provide emergency help and to enforce the state and local laws. Silver Star has offered to provide tower space for public agency use and this should make this north county radio dead-space become an area where public agency radio frequencies can be accessed and used in emergency and law enforcement scenarios.

Other “facilities in the vicinity” might include consideration of the nearby Earl’s Wireless Tower. According to Steve Earl, there is space still available on that tower, which is about 7200 feet due west of the Silver Star site.

The applicant has submitted two maps that depict the cell coverage of the Earl’s tower and the Silver Star site with a 100-foot tower. The radio propagation coverage area is shown as larger with the SSC proposed site and tower. Loss of cell phone calls in this area of the county has been widely confirmed by users of various wireless communications providers. Until those providers locate on the tower however, those “holes” in coverage may persist for users. Silver Star has told Planning Staff that they currently use leased space on the Earl’s Wireless tower and that it is not satisfactory to them because of loss of calls.

**3. Site is large enough to accommodate the proposed use and other features of this ordinance.**

This finding is met.

The Silver Star application contains the detailed analysis that this .92 acre site is large enough to accommodate the proposed uses so long as the height variance is granted.

The site for the proposed SSC tower is 0.92 acres. The existing panels, as seen in the center of the picture, would be removed to make way for the proposed tower and electronics equipment.



**4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.**

The Planning & Zoning Commission determined that this finding had been met when they reviewed the project in January 2011.

Planning Staff has included an attachment, *A Comp-Plan Analysis of Policies in Relation to the Silver Star Clementsville Tower CUP application*. This document examines all the policies and implementation statements in all the chapters and provides comment about the most applicable goals.

The most obviously applicable policies to this CUP proposal were located within Chapter 12 Public Services and Utilities. The Planning & Zoning Commission received a staff report that discussed Chapter 12, but did not spend a lot of time weighing the language of that Chapter or any other chapter of the Comp Plan in regard to this application. At the time of the PZC public hearing in January 2011, the surrounding landowner had not presented objections. The Planning Commissioners did not express reservations about Comp Plan policies at their public hearing and they forwarded their recommendation having found that these CUP criteria had been met.

During the BOCC public hearing, Grand View Ranch presented opposition and eluded policies in the Comp-Plan. The email and Mr. Moulton's testimony on March 17, 2011 brought up the tower visual impacts on the treeless ridge and the potential impacts to wildlife. The Idaho Department of Fish and Game was solicited to comment on the tower following that public hearing. According to the Steve Schmidt letter of April 4, 2011, the potential impacts to wildlife could be offset by implementing the IDFG recommendation to limit the construction timing to mid-summer so not to interfere with either elk or deer habitat. Burial of electric lines was recommended and that line has since been installed underground.

**BOARD ACTIONS:**

- Approve the CUP application with the Planning & Zoning Commissions' recommendations and provide findings of fact and reasons for the approval.
- Approve the CUP with modifications to the Planning & Zoning Commissions' recommendations. Consider additional conditions or the removal of recommended conditions of approval and provide the reasons and justifications for any modifications to the conditions.
- Deny the CUP application request and provide the reasons and justifications for the denial.
- Continue to a future Public Hearing with reasons given as to the continuation or need for additional information.

**PLANNING & ZONING COMMISSION RECOMMENDATIONS:**

Alternative A with a motion that incorporates the recommended conditions of approval listed in this staff report. Here is a suggested motion that could be used to approve the CUP:

*Having determined that all the Criteria for Approval of a Conditional Use found in Title 8-6-1-B (7) can be satisfied with the inclusion of the recommended conditions of approval listed in this report, we recommend the APPROVAL of the Silver Star Communications South Clementsville Telecommunications Tower Conditional Use Permit application, as described and depicted in the application materials, and as supplemented with additional visual impact simulations, a decommissioning plan, and correspondences since March 17, 2011.*

PS. April 5, 2012

**Just as this report was being delivered, A letter from the Teton County Radio Operability Committee was received. This letter, received April 5, 2012 was signed by officials from the Sheriff's Department, Teton County Fire Protection District and Teton Valley Ambulance. These emergency responders would like to attach radio equipment as high on the tower as feasible and would be willing to lower the height if the space became leased.**

Attachments:

- Silver Star Application with narrative November 2010
- Site plan attachments and location photos
- Visual analysis and site pictures (illustrations-simulations)
- IDT letter Nov. 1, 2010
- Emergency Management letter from Greg Adams December 29, 2011
- Draft MOU with TCEM and Silver Star January 2011
- Building Official Letter December 2011
- County Engineer email regarding Importance Factor Dec. 16, 2011
- "Importance Factor" Technical Bulletin
- Meeting Minutes of PZC, January 2011
- Sean Moulton email of March 16, 2011
- BOCC public Hearing Minutes March 17, 2011
- IDFG Letter April 4, 2011
- Silver Star response letter, April 14, 2011
- Silver Star photo simulations of tower from Hwy 33 March 2012
- Silver Star Radio propagation maps (2) for cell phone frequencies- two locations March 2012
- Rob Heiner SSC Decommissioning Plan March 27, 2012
- Kevin Lewis SSC email of April 4, 2012
- Silver Star Radio Propagation maps (2) for 40-foot tower height- two locations April 4, 2012
- *A Comp-Plan Analysis of Policies in Relation to the Silver Star Clementsville Tower CUP application.* March 2012.
- Radio Interoperability Committee letter April 5, 2012

End of report

**AN ANALYSIS OF 2004-10 COMPREHENSIVE PLAN POLICIES IN RELATION TO THE SILVER STAR CLEMENTSVILLE TOWER CONDITIONAL USE PERMIT APPLICATION.**

**April, 2012**

**ALL PLOLCY GOALS AND IMPLEMENTATION STATEMENTS**

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**Chapter 1 – Introduction Not Applicable (NA)**

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**Chapter 2 – Purpose of Plan**

The purpose for having a comprehensive plan begins with the desire of the people to provide for the fair and equitable use of the lands in the county. Under the provisions of the United States Constitution and the Idaho Constitution, power has been delegated to the county to promote the health, safety and general welfare of the people with regard to land use both public and private as follows:

- *To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks. NA*
- *To ensure that adequate public facilities and services are provided to the people at reasonable cost. Complies. Cell coverage would be expanded and public emergency responder radio “holes” reduced.*
- *To ensure that the economy of the state and localities is protected. NA*
- *To ensure that the important environmental features of the state and localities are protected. NA*
- *To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre, and minerals. NA*
- *To encourage urban and urban-type development within incorporated cities. NA*
- *To avoid undue concentration of population and overcrowding of land. NA*
- *To ensure that the development on land is commensurate with the physical characteristics of the land. The Silver Star Communications (SSC) site is fairly visible because it is on high ground. There are few trees nearby on the ridge. The height of the tower will be noticeable given the physical characteristics of the land.*
- *To protect life and property in areas subject to natural hazards and disasters. Complies. Adds 911 radio service to an unserved area*
- *To protect fish, wildlife, and recreation resources. The IDFG made recommendations that were included as conditions of approval.*
- *To avoid undue water and air pollution. NA*
- *To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis. NA*

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**Chapter 3 – Planning Process NA**

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**Chapter 4 – Teton County Planning History NA**

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**Chapter 5 – Property Rights**

*Policy 1: The Teton County Comprehensive Plan acknowledges private property rights are protected under the 5<sup>th</sup> and 14<sup>th</sup> amendments of the United States Constitution and sections 13 & 14 of article 1 of the Constitution of the State of Idaho. NA*

*Policy 2: The Teton County Comprehensive Plan acknowledges the right and responsibility of Teton County to reasonably regulate land use. NA*

Policy 3: *The land use ordinances and actions of Teton County, including the policies, restrictions, conditions and fees, shall not violate private property rights, shall minimize adverse impact on property values and minimize technical limitation on the use of property consistent with state and federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law. **It is not clear how the surrounding landowner's property value would be affected by the tower. Properties that gain cell coverage may be enhanced; these would include River Rim, which has spotty service. The burial of the power line may have helped.***

Policy 4: *Any aggrieved real property owner may petition the County Commissioners pursuant to chapter 80 title 67 of Idaho code as presently constituted or herein after amended. (See Idaho Regulatory Takings Guideline, Attorney General) NA*

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## **Chapter 6 – Population**

Policy 1: *Demographic information is important and needs to be gathered by the county government and continually updated. NA*

Implementation 1: *The County shall monitor population increases, the physical distribution of the population, and the demographic and economic composition of the population. This information will be gathered by GIS when available in Teton County. NA*

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## **Chapter 7 – School Facilities and Transportation**

Policy 1: *Planning decisions and efforts must emphasize providing infrastructure and services to the growing population and provide means for growth to pay its way. Growth trends over the past decade and growth projections for the coming decade indicate that providing infrastructure and services will be a bigger challenge than attracting new residents and business. **Complies. The growth of cell phone usage drives the suppliers of this service to develop more tower infrastructure.***

Policy 2: *Assure adequate school facilities for a growing student population. NA*

Policy 3: *Encourage school facilities be available to use for civic and recreational purposes. NA*

Policy 4: *Past and projected future growth trends are providing for significant increases in the local tax base. However, the existing tax and fee structures appear to be providing inadequate funding for required infrastructure and service improvements. NA*

Implementation 1: *Planning efforts should recognize that TCSD #401 will most likely have to accommodate an enrollment increase of 1633-2147 by the year 2010. NA*

Implementation 2: *Planning and Zoning Commission shall monitor new developments for compliance with District 401 policies regarding road design, maintenance, turning radius, etc., to allow for school bus service. NA*

Implementation 3: *The school district and the county shall cooperate in decisions about locations of future school facilities. NA*

Implementation 4: The school district should cooperate with and help establish multi-use programs whereby civic and recreational organizations have access to, and use of, the expensive public facilities controlled by the school district. **NA**

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## **Chapter 8 – Economic Development**

Policy 1: *It is the intent of the Comprehensive Plan to encourage orderly growth.* **Complies. Orderly development of cell towers would require better County regulations about coordinating their development so that opportunities to co-locate towers is maximized.**

Policy 2: *Grand Targhee Ski Resort is recognized to be of great economic importance to the economy. The county planning should complement and maximize economic opportunities for commercial support of this facility. County planning should consider the impact on values important to tourism.* **NA**

Policy 3: *One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.* **Complies. A Wireless Communications overlay has been postulated and the development of this would achieve better telecommunications system while minimizing visual impacts. The SSC tower could provide better coverage of cell and emergency communications. If co-location with other providers occurs, it could minimize the visual impacts of multiple towers.**

Policy 4: *Employment opportunities are vital to a sound local economy. Support proposals that provide a variety of jobs for existing and future work forces without sacrificing quality of life.* **NA**

Policy 5: *To predict infrastructure costs, it is imperative that the County adopt a capital improvements plan as defined in the Idaho Code.* **NA.**

Implementation 1: Since current revenue projections are inadequate, the County shall fund a CIP before 2005 to alleviate these shortfalls. **NA**

Implementation 2: Encourage the development of small, light industrial activities in appropriate locations that do not have negative impacts on the environment and the health and welfare of residents. City impact areas and municipalities and industrial zoned areas are the desirable locations for industries and retail commercial activities. **NA.**

Implementation 3: In the interest of character preservation, chain businesses and other development shall be required to design buildings and other facilities that blend with the local architecture. **NA**

Implementation 4: Work with Teton County, Wyoming, to encourage development at Grand Targhee that is in harmony with the infrastructure and economy of Teton County, Idaho. **NA.**

Implementation 5: Employ a professional grant writer for the county governmental and quasi-governmental agencies paid for by independent taxing entities. **NA.**

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## **Chapter 9 – Land Use**

Policy 1: *Protect open space throughout the county. Enhance the mechanisms available to incorporate the same in developments. **This application requires an assessment of the balance between visual impacts and public communications in a dead radio space. There is an opportunity to minimize the need for future towers by providing an opportunity for co-locations.***

Policy 2: *The scenic corridor is valued and view corridors should be maintained and protected. Guide development along the county's highways so that a sense of open space is protected. It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. It is desirable to maintain view corridors. **This application requires an assessment of the balance between visual impacts and public communications in a dead radio space.***

Policy 3: *Accommodate new residential growth in the county using methods that preserve Teton Valley's pristine qualities and foster efficient provision of services. Concentrate higher-density development in the cities or in their areas of impact. (See Implementation 10). **Complies. New residential growth in River Rim and the north and west county, along with increased use of cell phones, has caused the need for this application***

Policy 4: *Higher density developments should be located within or near the cities or within or near their areas of impact. Developments in the unincorporated county may be based on the density based zoning concept which will provide significant open space. **NA***

Policy 5: *Protect cultural and economic diversity by encouraging a range of housing options. **NA.***

Policy 6: *Encourage industrial use in existing industrial zones and accommodate desirable industrial development and uses in appropriate areas within the county. **NA.***

Policy 7: *Foster the economic viability of the cities by encouraging development of most types of commercial enterprises in or near the cities or their impact areas. However, a limited amount of commercial development is appropriate and necessary within the county because it is not suited for cities or their impact areas. **NA.***

Policy 8: *Recognize the agricultural heritage of the valley and the desire of some landowners to provide residential land for their children and foster transfer of lots. **NA.***

Implementation 1: *Provide creative open space ownership mechanisms and require responsible open space management. Amend the subdivision ordinance to allow designated open space parcels to be platted as one or more, large, privately held lot or lots. **NA.***

Implementation 2: *Amend the subdivision ordinance and other applicable ordinances to include in the definition of open space the following features: Significant tracts of land not under residential, commercial or industrial use. It may be productive uses including agriculture or low-impact recreational amenities such as greenbelt pathways, ball fields and golf courses, or it may include sensitive environmental areas such as wetlands, riparian areas, steep hillsides and wildlife corridors. Streets, parking areas, structures for habitation and the like shall not be included. Lawns, yards, gardens or similar outdoor features associated with homes, condominiums, apartments or business can only be included if such features are held or managed in common by all project residents. These shall be reviewed by the Planning and Zoning Commission based on design benefits and access to the general public. **NA.***

Implementation 3: Guide the placement of planned unit development open space so that natural, scenic, and other significant features are protected; meaningful open space tracts are created; and land use conflicts are minimized. **NA.**

Implementation 4: Amend the subdivision ordinance to encourage newly designated P.U.D. open space adjoin existing protected open space, and provide, to the extent feasible, visual access to open space. **NA.**

Implementation 5: The Planning and Zoning Commission should begin the process of writing an ordinance, in accordance with state law, for the transfer of development rights. The development rights ordinance should include a provision for trading of development rights between areas and zones. **NA**

Implementation 6: Encourage property owners to enhance the scenic corridor to demonstrate pride of ownership and clean up and fix up their properties. Administratively activate the nuisance ordinance and enforce it. **The SSC site is not within 1 mile of the Highway 33 and not in Scenic Corridor.**

Implementation 7: Encourage open space development along the scenic corridor be adjacent to the highway or that open space shall be in the place most aesthetically pleasing and development most shielded from the view from the highway. **The SSC site is not within 1 mile of the Highway 33 and not in Scenic Corridor.**

Implementation 8: The County should aggressively negotiate with the city of Driggs to move the northern boundary of the impact area from 250 North to 150 North, east of Highway 33 and 200 North, west of Highway 33. **NA.**

Implementation 9: The Planning and Zoning Commission should undertake a study to identify and protect view corridors and investigate methods of financing the same. **The SSC site can be seen from the Highway 33 corridor and it is on high, treeless ground, however, this area was not included in the Scenic Corridor regulations because it is more than a mile from the highway.**

Implementation 10: The urban service area, that area which is defined within one-half mile of the impact areas or the city limits, shall have a target density for development of 80\* to 100 units per 100 acres and shall include 20% open space. (As defined on Comp Plan Map #4). **NA.**

The **urban reserve areas** are those areas within one-half mile of the urban service areas and the area between Driggs City south to Victor from one-half mile west of Highway 33 east to the Wyoming state line and includes the area south of Highway 31 west of Victor. The target density of development shall be 50\* to 80 units per 100 acres and shall have 40% open space. (As defined on Comp Plan Map #4) **NA.**

The **rural reserve area** is the remainder of the unincorporated area of the county. The target density for development is 50\* to 60 units per 100 acres and shall have 50% open space. (As defined on Comp. Plan Map #4). **NA.**

The Planning and Zoning Commission is authorized to grant greater density if sufficient justification through amenities, geographical lay out, development rights transfers, etc. can be demonstrated. (See Policy 5, Natural Resources)

\*The smaller density numbers outlined above are based on the limitation of one unit per one acre which allows for individual culinary wells and septic systems. The higher density numbers cannot be obtained without a central water and/or sewer system. The open space formula cannot be violated regardless of density.

Implementation 11: The A/RR -2.5, A-20 zoning districts and the Ag PUD development process shall become grand fathered upon the adoption of the amended process development to establish a density-based method of subdividing land. The grand fathered zones and the Ag PUD retain all existing rights, characteristics, and obligations and shall never be expanded. The applicant may choose the method for development by using his grand fathered rights or he may elect to move to the new density based process for development. (Grand fathered means the applicant can choose to develop under his existing zone or process, or he can choose the new density based process for development.). **NA**

Implementation 12: Urban service developments shall have a central water system in the event they do not hook up to the city water system. **NA**

Implementation 14: Encourage the Board of County Commissioners to implement a business license and require that all businesses obtain a business license for the purpose of demographic information. **NA.**

Implementation 15: Amend the zoning ordinance to include a commercial zone for appropriate commercial development within the county and amend the land use chart to comply with the comprehensive plan. **NA.**

Implementation 16: The Planning and Zoning Commission will develop an ordinance to protect the skyline where appropriate. **This sky line ordinance was developed. Based on where the skyline and Scenic Corridor was defined, it must be assumed that the drafters of the ordinance at the time did not believe area that areas 1.7 miles from Highway 33 were appropriate for inclusion in the scenic regulations. The way the Corridor is delineated, it does not reach the SSC site.**

Implementation 17: As the county continues to grow, additional industrial uses shall be buffered with uses that protect surrounding landowners. **NA.**

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## **Chapter 10 – Natural Resources**

Policy 1: *Seek and encourage incentives including, but not limited to, Federal Farmland Protection Program, Transfer of Development Rights as enacted in Idaho Code 22-4501 to help willing landowners keep their land in agriculture and work to conserve and protect open space and a rural sense of place recognizing that agriculture contributes to a rural way of life that is valued by the citizens.* **NA.**

Policy 2: *Protect the County’s surface and ground waters, wetlands and riparian areas through responsible development and incentives to help landowners conserve important water resources. This policy will apply to all surface waterways, underground waters, and areas shown as wetlands within the National Wetlands Inventory as prepared by the U.S. Fish and Wildlife Service in June 1993, and any updates of the National Wetlands Inventory that might be provided. The National Wetlands Inventory Map shall be used to update Map No.5 Critical Overlay Areas for waterway and wetland resources and shall be modified periodically to help reflect the current understanding of water resources as necessary.* **NA.**

Policy 3: *Encourage responsible planning in the extraction of gravel and timely reclamation of gravel pits on private lands in Teton County as required by state law.* **NA.**

Policy 4: *Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands. **Safe communities require good communication systems for the Sheriff, Fire and EMS. There are no lights proposed on this tower. The significance of the tower’s visual impact to the views of the open space in this area is a subjective assessment, but the area was not protected by a Scenic Corridor designation.***

Policy 5: Encourage the conservation and protection of important plant, fish and wildlife habitats. (See Implementation 10, Land Use). **The application of the IDFG conditions about an underground power line and the timing of tower construction should protect wildlife when they are using the area and vulnerable.**

Policy 6: Ensure that noxious weeds are consistently and effectively controlled in compliance with state regulations and guidelines. **NA.**

Policy 7: As development occurs, consideration should be given to the wise and beneficial use of water to assist in recharging the aquifer. **NA**

Implementation 1: Provide and protect rights to reasonable passage to all public land. **NA.**

Implementation 2: Provide for the continuing services of a specialist in water resources to provide information and advice through the planning staff for the planning commission and the Board of County Commissioners. **NA**

Implementation 3: Revise the wetland inventory map. **NA.**

Implementation 4: Encourage the Board of County Commissioners to fund a weed supervisor and have funds available to control weeds. Enforce existing ordinances on weed control to ensure compliance with state regulations and guidelines. The landowner should be notified of the condition on the land and be given the opportunity to eradicate the weeds. If the landowner does not comply, the County will do the work and charge the landowner. **NA.**

Implementation 5: Ensure that development respects the integrity of the streams, stream channels and riparian areas. **NA.**

Implementation 6: Monitor gravel extraction activities to ensure timely and sufficient reclamation of gravel pits. Prepare an inventory of the gravel pits in the county. Encourage the use of abandoned gravel pits for construction and demolition materials as part of a process of reclamation or for ground water recharge where applicable. **NA.**

Implementation 7: If sensitive areas are identified by government agencies, encourage open space be placed in those areas. **NA.**

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## **Chapter 11 – Hazardous Areas**

Policy 1: Encourage incentives to reduce the threat of wildfire to private property and human life within Teton County. **Complies. Fire District will benefit in wildfire response with better radio communications. Radio communications by Emergency Responders will be improved if their radio equipment on SSC tower is placed at 40-feet.**

Policy 2: Encourage incentives that work to reduce the threat of personal injury, loss of life, and or damage to private property from flooding. **NA.**

Policy 3: Encourage incentives that work to reduce the risks that avalanches, mudslides, landslides, and steep slopes pose to private property within Teton County. **NA.**

Implementation 1: Support the Teton County Fire District in the process of adopting a wildfire mitigation plan. These regulations will be the implementation of wildfire prevention and management.

**Fire District will benefit in wildfire response with better radio communications.**

Implementation 2: Amend the subdivision and zoning ordinances to address regulations and standards for areas with unstable slopes and landslide or avalanche hazards. **NA.**

Implementation 3: Amend appropriate ordinances so that development within areas identified as hazardous areas are carefully designed and regulated so as to minimize the potential for human injury, damage to personal property and natural resources. **NA.**

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## **Chapter 12 – Public Services, Facilities and Utilities**

Policy 1: Support quality fire protection in the county to improve safety in outlying areas of the county.

**Complies. Fire District will benefit in wildfire response with better radio communications. Radio communications by Emergency Responders will be improved if their radio equipment on SSC tower is placed at 40-feet. Fire protection would be enhanced if radio dead zones were further reduced.**

Policy 2: Ensure that public utility expansion does not have a significant negative impact on the county's scenic views or individual property rights.

**The definition of significant negative impact on county's scenic resources involves assessments that vary considerably amongst reasonable people. The staff report and the applicant's narrative provide pictures and simulations that depict the proposed tower from several viewpoints. Better communication lines would become available if the SSC tower allowed co-location with an array of carriers. Regarding property rights, a case has not yet been presented that the tower would cause significant negative impacts to individual property rights of the adjoining landowner.**

Policy 3: The County should support the mission of the health care providers to become the focal point of quality intermediate health care in the community. **NA.**

Policy 4: A campus for county administrative and judicial functions may be developed with a comprehensive design and capital improvement plan. **NA.**

Policy 5: Encourage continued study of the county domestic water systems in conjunction with the state departments and agencies that monitor them. **NA.**

Policy 6: Investigate methods for disposing of solid waste including recycling, transfer, expanded landfill, and alternative uses. **NA.**

Implementation 1: Endorse the fire districts 10-year plan to provide quality fire protection throughout the county. . **Complies. Radio communications by Emergency Responders will be improved if their radio equipment on SSC tower is placed at 40-feet. Fire protection would be enhanced if radio dead zones were further reduced**

Implementation 2: New communication and distribution lines should be encouraged with broadband and other services of the latest technology on an ongoing basis. **Complies. Radio communications by will be improved with this new tower.**

Implementation 3: Implement the GIS system to include all county agencies and public utilities. **NA.**

Implementation 4: Upgrade road signs to require and include grid numbers. **NA.**

Implementation 5: The use of underground lines to distribute power is encouraged and is required within developments. **Complies. The SSC buried power lines to the site.**

Implementation 6: New electric utility services are encouraged to be provided within the current rights of way for major trunk lines. Substation expansion is encouraged to be confined to existing substation locations. **Complies. The SSC buried power lines follows legal easements and the Milk Creek road most of the way to the site.**

Implementation 7: A study should be done to determine the relationship between the county and the hospital to determine if the hospital requires increased or decreased participation from the county. **NA.**

Implementation 8: Encourage the development of an assisted living center preferably located within city limits. **NA.**

Implementation 9: Require the Board of County Commission develop a suitable plan for a county campus and or jail facility and funding. **NA.**

Implementation 10: Require Board of County Commission to establish a capital development and improvement plan including costs for infrastructure and services not covered by dedicated resources. The Teton County Board of County Commissioners adopted 'Development Impact Fee Program/Capital Improvement Plan' October 20, 2008, and by Resolution No 102008, dated October 20, 2008. The study became an element of this Comprehensive Plan. The 'Development Impact Fee Program/Capital Improvement Plan' in its entirety is heretofore Appendix A. (amended 10/20/08) **NA.**

Implementation 11: Within the parameters of IDWR and as technology will allow, encourage all measures available to enhance the underground aquifer. **NA.**

Implementation 12: Provide economic incentives for new developments of specified size and density to provide central water systems for household and fire protection use. Plan these systems, in conjunction with other developments within the immediate region, and where possible consolidate into regional integrated water supply and distribution systems. **NA.**

Implementation 13: Centralize and expand existing wastewater collection and treatment systems from household and commercial users in the cities of Driggs, Teton, and Victor and progressively extend them to planned surrounding areas of impact and expansion. **NA.**

Implementation 14: The County should plan for handling the disposing of household, commercial and industrial waste by examining all alternatives for disposal including transfer stations and recycling, and alternative local facilities. Accepting waste from sources out of the county shall be contingent upon them paying proportionate compensation on investment and operating costs. **NA.**

Implementation 15: Communication towers should be placed to minimize visual impacts. **The SSC communications site pre-dates zoning in Teton County. The erection of a tower may degrade the visual impacts of travelers along Highway 33. Sites that are high above the valley floor and unobserved by terrain or trees are best for communication, so there are conflicting objectives. If fewer towers can be constructed, and the towers co-locate several carriers, then the overall visual**

impact throughout the valley can be minimized while reducing communications dead zones. Ultimately, a judgment call must be made as to whether the SSC site has met this policy.

### Chapter 13 – Transportation

Policy 1: Teton County roads should be updated to meet the needs of the growing population. NA

Policy 2: Teton County should investigate a public transportation system within the county and region and encourage carpooling between Teton County, Idaho and Teton County, Wyoming. NA.

Policy 3: When economically feasible, the Teton Valley Trails and Pathways' long-range plan should be supported. NA.

Policy 4: Teton County supports responsible general aviation expansion of the Driggs- Reed Memorial Airport. NA.

Implementation 1: The County should support the highway department's "Teton County Transportation Plan 2020" as outlined in Chapter 6 including the roadway Design Standards per Table 6-1, and the proposed functional classifications per Map 6-1. NA.

Implementation 2: The project descriptions listed as Table 6-4 in the "Teton Transportation Plan 2020" have been revised to break down the list into priorities of short (1), medium (2), or long (3) term action. These were arrived at based on current and expected road use serving areas of present development and foreseen growth. Road improvements should occur in compliance with the following table: NA.

#### Appendix A: Recommended Roadway Improvements TABLE NOT INCLUDED

Implementation 3: Maintain the current speed limits on Highway 33 until turning lanes are installed. At such time that turning lanes are installed, the speed limit may be reviewed and increased or decreased if deemed reasonable and appropriate. NA.

Implementation 4: The existing scenic corridor should be provided with view corridors and pullouts. **The pullouts along highway 33 have been created with interpretive signage. The SSC tower may be distantly visible from these official pull outs.**

Implementation 5: Require a written road improvement and maintenance priority plan be published every five years. This could include a broader use of blading and dust control to better serve developing areas. Where traffic demands, paving and/or chip seal should be used. NA.

Implementation 6: A major study should be conducted of the Road and Bridge operation to include road districts and a cost comparison with similar counties and private vs. public costs of services. NA.

Implementation 7: Support a public transportation method to Jackson. NA.

Implementation 8: Encourage the development of multi-use pathways and separate them from major roadways when possible. Encourage developments that are adjacent to or in the area of a planned pathway to participate in building a section or contributing to the costs of development and maintenance. Pathways should be funded primarily through grants or private sources. NA.

Implementation 9: Expansion of General Aviation at the Driggs-Reed Memorial Airport should be encouraged in accordance with its LAP. Commercial aviation is not considered feasible due to airspace

restrictions with current GPS instrument landing systems and is not considered in the public interest under any circumstance. Noise abatement requirements within FAA regulations should be required where possible. Because the airport has a profound impact on the county, a representative from the County should remain as a member on the airport board. **NA.**

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## **Chapter 14 – Recreation**

Policy 1: *Protect and allow use of the natural recreational assets of Teton Valley. NA.*

Policy 2: *Cooperate with the Targhee-Caribou National Forest and Bureau of Land Management for public access and recreational use of public lands. NA.*

Policy 3: *Encourage the development of a countywide system of both motorized and non-motorized trails and pathways when economically feasible. NA.*

Policy 4: *Encourage the preservation of the serene environment of the Teton River and other streams and access to them. NA.*

Implementation 1: Adopt the trails and pathways organization map, to be funded by private sources, on an advisory basis for proposed trails and pathways for multiple shared uses. **NA.**

Implementation 2: Support responsible plans to develop a network of additional trails and pathway systems, for diverse uses, to the extent feasible. **NA.**

Implementation 3: Require setbacks large enough and population density low enough along the Teton River and its tributaries to maintain their pristine character. **NA.**

Implementation 4: Preserve and maintain public access to public lands, rivers, streams, and other recreational amenities. **NA.**

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## **Chapter 15 – Special Areas or Sites**

Policy 1: *Encourage preservation of the area’s historic sites and buildings. NA.*

Implementation 1: Assist in the preservation of historic sites and structures by encouraging the use of the Federal and State historic preservation programs. **NA.**

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## **Chapter 16 – Housing**

Policy 1: *Encourage owners to upgrade substandard housing conditions where such conditions exist. NA.*

Policy 2: *Encourage opportunities for diversity in housing choices and affordable housing availability. NA.*

Policy 3: *High-density developments should be within the cities and city impact areas whenever possible. NA.*

Implementation 1: Enforce zoning, building construction and other development codes and ordinances. **The SSC tower is being required to submit engineering and building plans to the County.**

Implementation 2: Zone areas that encourage housing diversity and encourage higher density units within the cities and their areas of impact. **NA.**

Implementation 3: Monitor housing affordability indices and consider affordability when adopting zoning and subdivision regulations.

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## **Chapter 17 – Community Design**

Policy 1: *Encourage the preservation of the scenic vistas, open space, mountains, forests, night skies and wetlands.* **The erection of a tower may degrade the visual impacts of travelers along Highway 33. Sites that are high above the valley floor and unobstructed by terrain or trees are best for communication, so there are conflicting objectives. If fewer towers can be constructed, and the towers can co-locate several carriers, then the overall visual impact throughout the valley can be minimized while reducing communications dead zones. Ultimately, a judgment call must be made as to whether the SSC site has met this policy. The answer from the 2004 Comp-Plan is not clear to staff.**

Policy 2: *Encourage the preservation of the county's rural character.* **The rural character of the County might include having areas without cell phone service or emergency responder service along the main highway. A judgment call is required for this policy. The answer from the 2004 Comp Plan is not clear to staff.**

Implementation 1: Encourage the preservation of the mountain, forest, rural, and small town atmosphere and appearance of the county by control of land use and structures. **A judgment call is required for this policy. Is small town atmosphere degraded by the SSC tower? The answer from the 2004 Comp-Plan is not clear to staff.**

Implementation 2: Revisit the approval of design for all commercial establishments adjacent to the highway in the scenic corridor. **Technically, the SSC tower site is not in the Scenic Corridor. If these higher elevation areas are in need of scenic protection, then the area for scenic protection could be expanded to include these areas.**

Implementation 3: Review the existing sign ordinance. **NA.**

Implementation 4: Encourage the efforts of citizens to preserve the rural environment of the county. **The erection of a tower may arguably degrade the rural environment degrade the visual impacts of travelers along Highway 33. Some of those travelers may have their cell phone calls dropped, or worse if an emergency situation arises. Sites that are high above the valley floor and unobstructed by terrain or trees are best for communication, so there are conflicting objectives. If fewer towers can be constructed, and the towers co-locate several carriers, then the overall visual impact throughout the valley can be minimized while reducing communications dead zones. Ultimately, a judgment call must be made as to whether the SSC site has met this policy. The answer from the 2004 Comp-Plan is not clear to staff.**