

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from January 11, 2011
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Matthew Eagens, Mr. Darryl Johnson and Ms. Jennifer Dustin.

DEPARTMENT HEADS PRESENT: Ms. Angie Rutherford, Planner, Mr. Curt Moore, Planner, and Ms. Mary Lou Hansen, County Clerk.

Mr. Hensel called the meeting to order at 5:04 PM

Approval of Minutes:

The Commission reviewed the draft minutes of December 14, 2010.

Mr. Arnold moved to approve the draft minutes of December 14, 2010, as amended. Mr. Johnson seconded the motion. The motion passed unanimously.

Chairman Business:

Ms. Mary Lou Hansen, City Clerk, swore in the new Commissioner, Ms. Jennifer Dustin, who was introduced to and welcomed by the Commission.

The next order of business, due to the fact that it was the first meeting of the year, was to elect a Chairman and Vice Chairman.

Motion: Mr. Arnold nominated Mr. Hensel for Chairman and Mr. Johnson for Vice Chairman. Mr. Eagens seconded the motion.

Vote: The motion passed unanimously.

Administrative Business:

Ms. Rutherford presented an update on the Comprehensive Plan. She stated the P4P committee has aggressively moved forward with their initial outreach phase. The Committee was tasked with three things. The first was to gather public input and develop large picture values expressed by the community. The second was to select a consultant to assist in writing the Comp Plan. The Third was to form a Comp Plan committee to assist the consultant in writing the Comp Plan. Ms. Rutherford explained the survey had been closed with approximately 10% of the community responding, which was accomplished not only through the survey but also through several outreach meetings well attended by the public. Comments have been posted online and Ms. Rutherford urged the Commission to review the comments to gain an understanding of what the public is feeling and thinking about the direction of their community. The advertisement for the RFP will begin on 1/27/2011 and be open for 30 days. The last task of the P4P committee was to establish a

Comp Plan committee. Ms. Rutherford pointed out that the last time a Com Plan was being drafted, the Commission did not see the Plan until it was in draft form. She encouraged the Commission to become involved in the draft process by joining one of the subcommittees in order to be involved from the start. She listed the five subcommittees and explained they were structured from concerns that scored the highest in the survey results.

Mr. Hensel questioned how the subcommittees would work together. Ms. Rutherford stated part of that effort would be accomplished by the core committee, of which Mr. Hensel has volunteered to be a member, to make sure that the different subcommittees are talking to and coordinating with each other. The intent was to have the chairs of each subcommittee be part of the core committee to provide input from their individual committees. She explained that it is anticipated that the Comp Plan would be structured around those values expressed by the Community, and then asking the consultant to ensure that the criteria required by LLUPA would be covered in the Plan. Mr. Arnold asked how to get involved, and volunteered to be on the Rural Design, Agricultural Heritage committee. Ms. Rutherford commented she felt each of the Commissioners were uniquely qualified for one of the five subcommittees, and emphasized that it is understood that volunteering would involve more time than the Commission is already spending and it might present a hardship for the Commissioners. Mr. Hensel asked about the timeline for completion of the process. Ms. Rutherford stated they hope to have the consultant selected by the end of March so that in April the process of establishing the subcommittees would begin. The goal is to have a draft plan finished after a 12 month period once the committees are established.

PUBLIC HEARING: Conditional Use Permit and Variance Application – Silver Star Communications is requesting a Conditional Use Permit and a variance to the County height limit for a communication tower west of Teton, Idaho near N11500W.

Mr. Curt Moore reviewed the request of Silver Star regarding the C.U.P. and variance. The C.U.P. 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 will improve cellular coverage in the north part of the county and allow other carriers to co-locate on the structure. A height variance is requested to allow a 100-foot structure where the general height limit is 30-feet. Mr. Moore then discussed background information on other telecommunications towers approved in the past. He also discussed the idea of having multiple carriers on the Silver Star tower, including a request from Greg Adams, emergency services coordinator, to attach an antenna to the tower and have some space in the small buildings for equipment. The EMS antenna would facilitate communications of ambulance, sheriff, search and rescue, fire fighters, and all emergency public agencies that need to respond to emergency situations or law enforcement situations. He explained that there is currently a dead space for emergency responders and that an antenna at the location of the proposed tower could eliminate some of that problem.

Mr. Moore next brought up the Memorandum of Understanding (MOU) created by Silver Star to cover the collaboration on fulfilling the emergency services communication needs of Teton County. The MOU was sent to Kathy Spitzer, county attorney, and she provided her input in an email. Ms. Spitzer felt the space requested for emergency service equipment should be free of charge for the County without a time limit, as is common in other parts of the country. Ms. Spitzer did not feel

the County should be charged in 10 years, as written in the MOU. Mr. Moore explained that he had written the staff report with the understanding that the MOU was sufficient, but input from Ms. Spitzer suggests otherwise. Mr. Moore read to the Commission the written comments from Ms. Spitzer. It is her recommendation, given the need for emergency communication, that the communication tower only be permitted if, as a condition of approval for the C.U.P., the needs articulated by our Emergency Services Coordinator are addressed with no time limitation on the benefit.

Mr. Moore discussed the variance and the request for additional height in order to accommodate use by other carriers, rather than a request for Silver Star's use exclusively. He discussed the findings and recommended conditions presented in the staff report regarding the C.U.P. and variance application. Mr. Moore stated the staff is recommending approval of the C.U.P. and variance with conditions, as stated in the staff report.

Mr. Johnson asked if the most recently erected tower has a MOU, and how high that tower was. Mr. Moore thought the tower was 85 feet, and said it was agreed to in the minutes of the meeting to allow emergency service usage. Mr. Johnson also questioned the importance factor rating the county engineer had mentioned. Mr. Moore commented that it was determined that the requested communications were not necessarily considered a "vital link" since there are other ways to communicate throughout the community. Mr. Hensel asked about the importance factor and how that is normally resolved. Mr. Moore commented he had met with Mr. Tom Davis, building official, and Mr. Simonet, county engineer, to review compliance with building codes relating to the tower construction. It was determined that the tower did not require construction beyond the "code-prescribed minimum". Mr. Eagens questioned the antenna and rack space requested by Mr. Adams, asking how much space was requested. Mr. Moore did not have specific details on the request, and did not know if the emergency management request would be taking away lease space from other potential tenants using the tower.

Mr. Ron McCue, Chief Operating Officer for Silver Star Communications, was representing the applicant. He explained that the site has been owned since 1962, purchased from Mountain States Telephone. The area in question is an area that has been a predominant dead spot for a long time. Silver Star has the right to put up a 30-foot tower according to the current P&Z regulations, but wanted to have space available to lease to other carriers, which was the basis for requesting a 100-foot tower. This would eliminate the need for multiple towers in the area, and the income from other carriers leasing space would eventually cover the additional height cost. He discussed the corporate commitment to emergency communications and resources in the county, which did not include an open ended commitment at no charge. They agreed to give the 40-foot antenna attachment for free for 10 years, and the space in the building as well as covering electricity free of charge for five years. After that time, there would be a small charge for the space and power. Mr. McCue stated he could not, on behalf of the corporation, sign off on a blank check forever. He stated that if the Commission insisted on the conditions outlined by Ms. Spitzer, they would simply build a 30-foot tower and the Commission would receive requests from other carriers and emergency services one at a time for multiple towers.

Mr. Hensel asked to verify that additional carriers would be charge approximately \$25,000 per year. Mr. McCue said the charge for the building space, power, and tower attachments were

estimated to be between \$20,000 and \$25,000 per year. Mr. Hensel then asked how the 40-foot height for emergency services was established. Mr. McCue stated they did not feel that the 40-foot height space would be requested by any other provider, and would be virtually un-sellable. Mr. Hensel then asked why there would be a charge for space no one else would want. Mr. McCue responded by stating it was impossible to know where technology would be in ten years and there may be some potential uses at that time. Mr. Johnson asked if Silver Star was in agreement with the MOU as written. Mr. McCue said they were and that he helped write it.

Public Comment:

Speaking in a neutral position, Ms. Anna Trentadue on behalf of VARD, provided a brief history of the last several towers built in the county. She felt with the new Comp Plan rewrite, this was a good opportunity to establish a communications overlay plan. She felt the county should plan where the towers should be located for the most efficient placement of towers and distribution of services. She thought it could be discussed by the transportation committee as the “transportation of messages”. She felt emergency services were worth bargaining away view corridors in order to provide a community with a high threshold for public safety, providing it has been determined what future costs would be. She discussed the conditions placed on the tower built in Felt, and suggested adding additional conditions for the sake of consistency. Her concern was that construction should be limited to the build out of the proposed tower, and that a demolition and abatement plan be provided. She also felt a review of the C.U.P. in 5 years was appropriate based on constant changes in technology. She agreed with Ms. Spitzer regarding the uncertainty of future costs, and did not want that condition to be placed on future generations or Commissioners.

Mr. Richard Grundler questioned the obsolescence of the towers and felt there should be a delineation of responsibility for dismantling, possibly some bonding for that purpose. He felt the county should consider the potential cost of obsolescence and dismantling.

Applicant Rebuttal:

Mr. McCue spoke, not in rebuttal but in support, of the things suggested by the public. He felt the concerns were reasonable, specifically obsolescence and dismantling, and agreed that the county should develop a communications overlay plan.

Mr. Eagens asked the applicant how much space the EMS antennae would take up on the tower. Mr. McCue thought it would be about 2 to 5 feet, which would mean no other user could effectively operate in that space. Mr. Eagens also asked if the application would consider a dismantling plan should the tower become obsolete. Mr. McCue had no problem agreeing with that suggestion.

Commission Discussion:

Mr. Arnold felt the tower location was in a good spot for the least amount of visibility and felt it was better to have the services free for 10 years and then pay, rather than not have the option available to locate an antenna on the tower if Silver Star elected to build a 30-foot tower instead.

Mr. Hensel referred to Title 8, pg 65, 8-6-1-B-8d. regarding one condition listed that was controlling the duration of the development, which he felt related to the consideration of dismantling. He believed the lease space would pay for the tower in approximately 5 years without charging the county after 10 years. He suggested an expiration date for the C.U.P. approval of 10 years using the proposed MOU, and then in 10 years Silver Star can reassess their need for the tower and negotiate the potential charge based on the technology existing at that time.

Mr. Eagens felt the proposed variance was a fair compromise for Silver Star and the county, exchanging the extra 70-feet for the free use for EMS equipment for 10 years, even if the installation of the EMS antenna saved only one life. He did not think the tower would be a huge eyesore.

Mr. Johnson asked if Silver Star would have to come before the Commission if they want to put up another 100-foot tower on the site. Mr. Moore explained anyone would need a C.U.P. for a tower even if met the 30-foot allowable height, so Silver Star would not be able to construct an additional tower without applying for a C.U.P. Mr. Johnson was in favor of having a demolition plan in place and agreed with limiting the C.U.P. approval to 10 years to deal with the possibility of charging a fee at that time.

Ms. Dustin commented that cell usage had begun to replace home phone lines and that may impact Silver Star's revenue in the future. Mr. Hensel commented communication towers are a necessity, and finding a balance of the community character and the need for infrastructure is difficult. He asked the staff if putting a 10 year condition on the approval of a C.U.P. would be reasonable. Mr. Moore felt that most C.U.P.'s go through a review at some point and thought 10 years was a reasonable time frame for review of the approval, and that the condition would fit with the proposed MOU.

Mr. Hensel did not feel the proposed additional charge after 5 years for the power and space in the shed was unreasonable. Mr. Arnold agreed that the allowing the extra 70-foot variance would compensate for the usage of EMS antenna at 40-feet, and that a 10 year approval would facilitate negotiations based on the technology in place at that time. He did not feel that it was appropriate to agree to an undetermined charge after 10 years. Mr. Eagens agreed with Mr. Arnold. He felt the charge of \$37.42 for years 6 through 10 was a reasonable charge for both parties, and that the leasing of space to other carriers would be sufficient to compensate for the additional cost of the extra 70-feet.

Mr. Hensel asked if the county had a process for a demolition permit. Mr. Moore commented he asked the building department if there is a demolition permit process and they did not have one in place. Mr. Hensel suggested a condition that Silver Star would dismantle the tower at the end of its life span or at the end of 10 years. Mr. Moore commented that it was not uncommon for the C.U.P. approval to be null and void if the tower was not used for an established period of time. He did not feel it was unreasonable to require the decommissioning of the tower if not in use, but was not comfortable with requiring demolition since there is not a permit process for demolition. Mr. McCue felt it was not unreasonable to dismantle a tower if it was not used for an established period of time.

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.

Motion: Mr. Hensel moved to grant the variance for a 100-foot tower to Silver Star Communications with the conditions listed in the staff report with a 10 year limitation. Mr. Johnson seconded the motion.

Mr. Moore commented it is unusual to condition a variance with a time period. He felt the 10 year limit on the CUP would apply to the height. If the commission finds that the 100-foot variance is appropriate based on a hardship it should stand on the findings.

Vote: The motion was denied by a 3-2 vote.

Motion:: Mr. Hensel moved to grant the variance for a 100-foot tower to Silver Star Communications with the conditions listed in the staff report (Appendix B) without time limitation. Mr. Arnold seconded the motion.

Vote: The motion passed unanimously.

PUBLIC HEARING: Amending Title 9 Teton County Subdivision Ordinance Chapter 4 Development Standards – Proposing changes to verbiage in Title 9-4-2 E: Penalty in case of Failure to Complete Construction of Public Improvements

Ms. Rutherford explained the verbiage change proposed by the county attorney regarding failure to complete construction of public improvements. The change involved removing the words "it shall be the responsibility of" and including the word "may" in the first sentence. The proposed change would give the county the option of completing the public improvements, but would not require it.

Public Comment:

Ms. Anna Trentadue, representing VARD, discussed the history of previously approved development agreements, most of which stated the county would complete the improvements using the bond if the developer defaults. She did not feel the county should be obligated to finish a project if a developer fails to do so.

Commission Discussion:

The Commission did not have any questions or concerns.

Motion: Mr. Johnson moved to approve the proposed amendments to Title 9-4-2-E as written by the county attorney. Mr. Arnold seconded the motion.

Vote: The motion passed unanimously.

PUBLIC HEARING: Amending Title 8 Teton County Zoning Ordinance Chapter 5 Overlay Areas – Proposing changes to Title 8 Chapter 5 Section 1 Overlay Area Descriptions.

Ms. Rutherford commented the department is maintaining a running list of areas that should be reworded in the existing Title 8 & Title 9 ordinances. The Planning Staff will present one or more of these each month to the Commission. Mr. Hensel asked how this would work in the text of the ordinance. Ms. Rutherford commented the ordinance would say “as amended” with the current date at the end of the paragraph.

This amendment is to match the overlay areas in Title 8 with those in Title 9. The hillside overlay and wild life overlay were left out of Title 8.

Public Comment:

The Commission did not have any questions or concerns

Commission Discussion:

Ms. Dustin asked if someone was currently working on overlays. Ms. Rutherford explained that several overlays were determined by professional entities and adopted by the County. During the Comp Plan process, the overlays will be discussed and if changed, the changes would be implemented by amending Title 8 language after the Comp Plan is approved, but that nobody is currently working on revising the overlays themselves

Motion: Mr. Arnold moved to approve the proposed changes to Title 8 Chapter 5 Section 1 Overlay Area Descriptions. Mr. Eagens seconded the motion.

Vote: The motion passed unanimously.

WORK SESSION: Discussion about definition of Accessory Dwelling Unit in Title 8 Teton County Zoning Ordinance Chapter 4, Section 2 Land Use Schedule Definitions – Work session to discuss possible re-wording of the definition of “Dwelling, Accessory Unit” to clarify size limitations.

Mr. Moore read to the Commission the sentence the staff recommend, and the Board adopted, be amended and he quizzed the Commission on their understanding of the allowed square footage as stated in the current Title 8 definition. The proposed wording reads as follows: “The maximum size of an accessory dwelling unit shall not exceed 50% of the square footage of the primary residence or 900 square feet whichever is greater. No accessory dwelling unit may exceed 1500 square feet.”

Mr. Hensel asked about the PUD application of the definition. He was concerned about the density when clustered. Mr. Moore stated the proposed change was only to clarify the existing definition, not change the concept.

Ms. Trentadue suggested establishing lot coverage standards to control the impact. Mr. Moore commented about a community that had an issue with people bringing in shipping containers on their land and a solution proposed was character based limitations.

Mr. Arnold commented on the restrictions on lots smaller than 5 acres and felt it was important. Mr. Eagens suggested limiting the secondary dwelling unit to 1500 sq. ft regardless of the size of the primary residence.

Mr. Hensel suggested an administrative change be made by the staff with the language as proposed. The Commission agreed unanimously.

Ms. Dustin questioned the Commission's ability to place land use restrictions on property. The Commission discussed the pros and cons of land use restrictions and the legality of adopting and enforcing them.

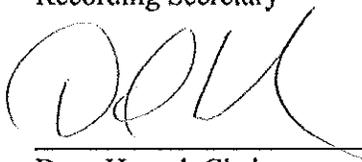
Motion: Mr. Arnold moved to adjourn. Mr. Johnson seconded the motion.

Vote: The motion passed unanimously.

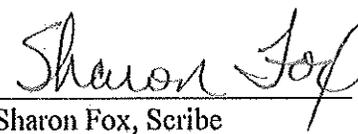
The meeting was adjourned at 7:25 PM.

Respectfully submitted,

Sharon Fox
Recording Secretary



Dave Hensel, Chair

Attest 
Sharon Fox, Scribe

Public Hearing Minutes
Silver Star CUP Application
March 17, 2011
Teton County Board of County Commissioners

7:15 PM PUBLIC HEARING: Conditional Use Permit Application – Silver Star Communications is requesting a conditional use permit for a communication tower west of Teton, Idaho near N 11500 W. Parcel number is RP06N43E132700. **Legal Description:** Part of the N ½, NW ¼, Section 13, Township 6 North, Range 43 east, Boise Meridian, Teton County, Idaho.

APPLICANT – Karen Ricks, Engineering Manager for Silver Star Communications. The location is known as the South Clementsville Telecommunications Tower. Silver Star is proposing the removal of the existing reflector panels from the .92 acre site and the installation of a 100 foot tall telecommunications tower to meet public communication needs in a “dead zone” area. This tower will give enhanced coverage to cellular users in north Teton County as well as allow other carriers to co-locate on the tower. There will be four (4) small buildings on skids, which will house the necessary electronics. An agreement has been met with the Teton County Emergency Management Services to allow the storage of emergency radio communication equipment on the site, providing a public safety benefit. The application complies with all the county standards and conditions and has been judged to be complete and in compliance with the additional seven (7) conditions as requested by the Planning Commission.

Commissioner Benedict asked if the depicted and proposed 20 foot utility easement currently exists, and if it does not, is the applicant aware that if the easement is not acquired within one year, the CUP, if granted, will be revoked. Ms. Ricks stated the easement is only proposed at this time, and if it is not obtained, Silver Star has other options for getting power to the proposed tower. e.g. Commercial electric power or solar power, cellular battery power, as well as other alternative energy sources. Commissioner Rinaldi asked for an explanation of commercial electric power. Ms. Ricks stated that commercial electric would be provided by Fall River Electric and would require power lines to be installed. Commercial electric is the applicant’s preferred method of power.

PLANNING STAFF – Planner Curt Moore informed the Board that the Planning Commission acted as the Board of Adjustment and granted a height variance to 100 feet, from the traditional height allowance of 30 feet. The Planning Commission, in making their recommendation of approval with conditions, did visit previous commission and Board decisions as it pertains to telecommunications towers, cellular infrastructure and networking within Teton County. Co-location with fewer towers is a better long-term approach for the county. The county will see more towers in the future, so any criteria which can be established and enforced now will help control future build out. Emergency radio signal is almost non-existent in this area. The staff and emergency management coordinator are requesting that a radio antenna be attached to the cellular tower. A Memorandum of Understanding (MOU) has been drafted and reviewed by the Prosecutor. The Planning Commission agrees with the MOU as drafted plus condition #7, which outlines a 10-year timeframe for re-evaluating the costs associated with the leased space. Mr. Moore read into the record condition #7, which duplicates condition #6: *The C.U.P. expires in 10 years and will be re-evaluated for renewal at that time. Silver Star shall present 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.* Mr. Moore and Prosecutor Spitzer agree that it should remain as two conditions with two different actions required:

Condition #6: The CUP expires in 10 years and will be reevaluated for renewal at that time.

Condition #7: Silver Star shall present a decommissioning plan if the tower is not in commercial operation for 12 contiguous months, establishing removal of the tower or surety for removal by the county if not in use.

Mr. Moore is recommending an 8th condition based upon the concerns over the access and proposed utility easement. As mentioned by Commissioner Benedict, this CUP has to be effectuated within one year of the approval date, as stated in standard condition #2.

Proposed Condition #8 – The Silver Star Communications Tower may only operate the 100-foot tower and telecommunications facility with a self-contained electrical system until such time that they present to the Planning Administrator a copy of an acceptable utility easement across all intervening private lands.

Commissioner Rinaldi asked the question of whom and when is the decision made as to whether or not the utility power lines are installed above ground or buried. Mr. Moore reported that in conversations with Louis Simonet, County Engineer, it does not make any difference from a technical point-of-view whether the line is buried or above ground. Visually and based upon our wildlife overlay, buried would be a preferred option and the Board would have to make that determination. The majority of the proposed easement is along the county road, so much of the negotiation would be between the county and Silver Star. There are adjacent landowners who would have an opinion on the type and location of the power source.

Mr. Simonet suggested that Silver Star negotiate the easement all the way to Highway 33, unless there is a public utility law which allows them to put the line along the county road. If the county owns the right-of-way, the county can require the applicant to bury the line. If it is a prescriptive right-of-way, the negotiation would be between Silver Star and the landowner.

Greg Adams, County Emergency Management Coordinator stated that this proposed tower would fill in areas where there are holes in the public safety communication network. Mr. Adam's experience is that having private-public partnerships is the best case scenario. Ideally the county could get on a tower in the north end, at a reasonable cost, and provide better coverage to save lives and protect property. Prosecutor Spitzer would draft a new MOU reflecting the conditions and costs (Conditions #6, 7 & 8) if approved.

7:35 pm Chairman Rinaldi opened the public comment portion of the hearing.

PUBLIC COMMENT

In Favor – None

Neutral – Anna Trentadue, representing Valley Advocates for Responsible Development (VARD), gave a brief history of cell towers in Teton County. The early years allowed for “tower or pole forests” where there can be a cluster of towers. In more recent years, the county has subscribed to the idea of a single tower making space available for other cell and radio providers. This method is known as co-location, and is preferred. Historically, communications companies are each proposing towers for their own unique use, need and location. VARD would like to see the county create another overlay use, specific to cell towers, which will help guide future locations, minimize visual impact, maximize efficiencies and cost sharing. Placement of future cell towers needs to be purpose driven and not reactionary. At a minimum, the county needs to negotiate for emergency radio use at no cost in perpetuity. Also, consider surety for decommission and/or removal of a tower if the company is no longer financially viable or technology changes. The file and legal notices for this hearing implied this was a contained unit.

Ms. Trentadue commented that there would probably be more public comment if there was knowledge that there is the possibility of above ground utility lines being run across the property and through wildlife habitat. VARD would encourage the Board to re-notice the hearing including the impacts to the public. The CUP needs conditions that the utilities be buried and there be a lease agreement for public service in perpetuity, not including installation and maintenance.

Opposed – Sean Moulton, attorney for Grandview IV, LLC and specifically Ron Judy, a neighbor to this site location. Mr. Moulton questions legality of hearing. His client did not receive either the PZC or the BOCC hearing notices and would ask that the hearing be re-noticed. Mr. Moore stated that the Nevada address of record is where the notice was sent, and therefore all requirements were met in a timely manner. The county should be very familiar with this area and Mr. Moulton's client. Over the past several years Mr. Judy and the county have negotiated road access, snowmobile access, maintaining the scenic value, among other items.

During the road negotiations with Mr. Judy as well as the County's PUD hearing process, there were many studies done, including the re-working of the wildlife overlay this area and skyline ordinance. A lot of time and money went into the documents which the county now uses to insure that any development has minimal adverse impact on the surrounding lands and wildlife. New development in the wildlife corridors must provide for appropriate landscaping and have minimal environmental impacts. Developments in this area are held to more restrictive standards than developments in non-wildlife areas. The CUP ordinance contemplates more restrictive guidelines than the zoning ordinance. A skyline study should be done to understand the impact and then required landscaping to minimize the skylining. Specifically, this area is home and refuge to sensitive elk calving grounds and sage grouse lek areas. The applicant has made no consideration for these environmental issues. If the utilities are partially underground and then above ground on the uphill, there will be a scar up the middle of the area on someone else's property due to the power lines. This proposed CUP will have major impact to surrounding land owners, the wildlife and the public views. The county should consider an alternative power supply to the traditional commercial electric power. In 2009, Edge Wireless came in and talked to the community and the landowners. Silver Star has not done that. Mr. Moulton asked that the Board either deny the application or consider tabling it until a wildlife study has been done, requiring the appropriate landscaping to reduce the skylining issue. The existing easement should be used and any utility lines must be buried.

Chairman Rinaldi closed the public comment portion of the hearing.

REBUTTABLE - Karen Ricks commented that Silver Star has a long history of doing business in Teton County and working with the county to benefit the citizens. Silver Star does not have a desire to have utilities above ground unless there are conditions on the ground which makes burying the lines not an option. Regarding the existing easement, to their knowledge this easement is for permitted access and egress only on milk creek road right-of-way. Environmental impacts should be evaluated and Silver Star requests that they be treated the same as any other applicant on a .92 acre parcel in Teton County, with similar use.

7:55pm **BOARD DELIBERATION** – Commissioner Parks felt that a wildlife impact study needed to be considered especially as it pertains to the elk. The visual impact needs to be taken into account and the area landowners need a chance to comment on the impact the power supply will have on their views.