

Valley County Planning and Zoning

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Cascade, ID 83611-1350



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STAFF REPORT: C.U.P. 21-28 Laurel Cell Tower – Amendment of C.U.P. 03-19
HEARING DATE: October 14, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: T-Mobile
c/o Vinny Rowe
121 S Election Road, Suite 330
Draper, Ut 84020 83638
OWNER: Idaho Department of Lands
Payette Lakes Area Office
555 Deinhard Lane
McCall, Idaho 83638
LOCATION/SIZE: 1272 Laurel Drive
SW ¼ Section 12, T.14N, R.3E,
Boise Meridian, Valley County, Idaho.
REQUEST: Addition of a Backup Generator
EXISTING LAND USE: Cell Tower

T-Mobile is requesting a conditional use permit to modify the existing cell tower by adding a backup generator to the site. The proposed Generac 25kW diesel generator has a sound rating of 71 dB at 23 feet when functioning. The generator would be installed on an existing concrete pad. Combustible materials, including grass and brush, would be removed within a minimum radius of 10 feet.

Electrical lines are the primary source of power for the cell tower. The use of the generator is expected to be minimal. The generator will provide emergency power to keep the communication tower functioning during any disruption in electrical service.

There are no existing lights on the perimeter and no new lights are requested.

Construction is expected to occur over three days.

FINDINGS:

1. The application was submitted on September 3, 2021.

2. Legal notice was posted in the *Star News* on September 23, 2021, and September 30, 2021. Potentially affected agencies were notified on September 14, 2021. Neighbors within approximately 1500 feet of the cell tower location were notified by fact sheet sent September 16, 2021. The site was posted on October 5, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on September 14, 2021.
3. Agency comment received:

Central District Health has no objection to the extension. (September 17, 2021)
4. Neighbor comment received: none
5. Physical characteristics of the site: steep slope; timbered
6. The surrounding land use and zoning includes:
North: State of Idaho Land
South: State of Idaho Land
East: State of Idaho Land
West: State of Idaho Land & Single-family Residential Subdivisions
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 3. Civic or Community Service Uses (t) Wireless telecommunications towers & antennas

Please Review Title 9 - Chapter 5 Conditional Uses and Chapter 8.

CHAPTER 8 -- WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

9-8-1: Purpose

9-8-2: Definitions

9-8-3: Applicability

9-8-4: General Standards For Commercial Tower Structures And Associated Equipment

9-8-5: Tower Construction, Height, Lighting, Setback And Fall Zone Standards

9-8-6: Conditional Use Permit Application For New Or Modified Telecommunications Facilities

9-8-7: Additional Technical Requirements

9-8-8: Private Tower Or Antenna Structure

9-8-1: PURPOSE:

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this chapter are to:

- A. Protect residential areas and other land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers;
- E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- H. Consider the public health and safety of communication towers;
- I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and

J. Comply with the applicable sections of this title and to be consistent with the comprehensive plan.
(Ord. 10-06, 8-23-2010)

9-8-2: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings ascribed to them below:

ADMINISTRATOR: Personnel employed by the county to administer this chapter and this title.

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving apparatus mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

ANTENNA HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

CAMOUFLAGED: A telecommunications facility that is disguised, hidden, or integrated with the existing environment and trees so as to be significantly screened from view.

CELL SITE OR SITE: A tract or parcel of land that contains telecommunications facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless service.

COLLOCATION: The placement of additional antennas on an existing transmission tower or structure. Such antennas shall be placed and colored to blend into the architectural detail and coloring of the host telecommunications facility or cell site.

CONDITIONAL USE: Any use as defined by this chapter which, because of its potential incompatibility with adjacent or traditional uses, is subject to review by the commission and comment at a public hearing to best ensure compatible land uses.

DESIGN: The appearance of telecommunications facilities, including such features as their materials, colors, and shape.

ENCLOSURE: A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

FAA: The federal aviation administration.

FCC: The federal communications commission.

FALL ZONE: That area that the tower is designed to collapse into.

GOVERNING AUTHORITY: The Valley County board of county commissioners.

PERSONAL WIRELESS SERVICE, PERSONAL WIRELESS SERVICE FACILITIES, AND FACILITIES:
As used in this chapter, shall be defined in the same manner as in title 47, United States Code, section 332(c)(7)(C), as may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communications, cellular phones, personal communication services, enhanced specialized mobile radios, and other wireless services licensed by the FCC and unlicensed wireless services.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

PROVIDER: A corporation, company, association, joint stock company, firm, partnership, sole proprietorship, limited liability company, other entity or individual which provides telecommunications facilities.

SECURITY BARRIER: A wall or fence that has the purpose of securing a telecommunications facility from unauthorized entry or trespass.

SITING AREA: That portion of a lot that contains the transmission tower, related buildings and/or equipment required for the operation of a wireless telecommunications facility.

TELECOMMUNICATIONS FACILITY: A facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses telecommunications facilities including radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like. (Ord. 10-06, 8-23-2010)

9-8-3: APPLICABILITY:

- A. The following regulations shall apply to tower structures and associated equipment for the purpose of radio, television, telephone, paging, or satellite reception and/or transmission.
- B. A telecommunications facility that meets one of the following standards shall be reviewed as a permitted use. All other telecommunications facilities shall be reviewed as a conditional use permit according to this title:
 - 1. The proposed telecommunications facility will be located on an existing telecommunications facility and it will not increase the height of the existing structure.
 - 2. The tower or antenna structure does not exceed ten feet (10') in height, is accessory to a permitted or approved use, and the proposed telecommunications facility meets all conditions of the previously approved use. (Ord. 10-06, 8-23-2010)

9-8-4: GENERAL STANDARDS FOR COMMERCIAL TOWER STRUCTURES AND ASSOCIATED EQUIPMENT:

- A. **Radio Frequency Emissions:** The telecommunications facility shall comply with FCC standards regarding radio frequency (RF) emissions.
- B. **Required Approvals:** The telecommunications facility shall have approval from the federal aviation administration and the chief of the Idaho bureau of aeronautics prior to operation.
- C. **Obtain Necessary Permits:** The applicant or owner shall be required to obtain all necessary permits, as may be required under federal, state or local statutes, regulations, or ordinances including, but not limited to, building permits.
- D. **Maintenance; Construction Standards:** The telecommunications facility shall be maintained in compliance with all federal, state and local regulations and the construction standards set forth herein.
- E. **Maintenance And Upkeep:** The owners, or owner's agent of the telecommunications facility, shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance. (Ord. 10-06, 8-23-2010)

9-8-5: TOWER CONSTRUCTION, HEIGHT, LIGHTING, SETBACK AND FALL ZONE STANDARDS:

- A. **Construction:** The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 revision F standard entitled "Structural

- Standards For Steel Antenna Supporting Structures", or as hereinafter may be amended.
- B. **Camouflaged With Surrounding Environment:** All telecommunications facilities shall be constructed or modified in such a way as to best blend in and be camouflaged with the surrounding environment and, in some circumstances, may not be readily recognized as a wireless telecommunications facility, unless specifically waived, in writing, by the board of county commissioners. Said telecommunications facility shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable zone and/or comprehensive plan. The decision making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the telecommunications facility. This shall not preclude towers requiring FAA painting and/or lighting and/or marking from meeting those standards.
 - C. **Height Limit:** Within the McCall, Donnelly, and Cascade airport overlay areas, the height limit on the tower or antenna structure shall be as required by the code of federal regulations 14 CFR 77.
 - D. **Lighting:** Lighting shall be consistent with the requirements of the FAA. The FAA lighting requirement shall be met in the least obtrusive manner. Security lighting for the siting area is permitted as long as it is not greater than twenty feet (20') high, downward directed and shielded to prevent illumination at the siting area boundary. Motion detectors on security lighting is recommended.
 - E. **Tower Design:** Towers must be designed to allow for future placement of additional antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.
 - F. **Facilities And Siting Area Design:** All telecommunications facilities and siting areas shall be designed to structurally allow for a minimum collocation of two (2) additional providers.
 - G. **Location; Setbacks:** All telecommunications facilities shall not be located within at least one thousand feet (1,000') of State Highway 55, unless located in an existing structure and/or constructed as an alternative tower structure or not visible from the highway. In addition, setbacks shall be equal to the height of the tower, plus ten feet (10'), from any public road or property line, and a minimum of one thousand feet (1,000') from the nearest residence, single-family subdivision in each direction, unless written consent of residents, lot owners, and building owners is given. This section shall not prohibit the placement of towers on a commercial building(s).
 - H. **Maximum Allowable Tower Height:** Maximum allowable tower height, including antennas, is one hundred fifty feet (150'). The county may impose stricter height limitations due to obstruction of views or incompatibility with surrounding uses.
 - I. **Fall Zone:** Every tower shall have a fall zone which shall be delineated and permanently restricted from future development as follows:
 - 1. The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one foot (1') for every ten feet (10') of tower height.
 - 2. If the fall zone does not lie completely within the subject property, the applicant must obtain a nonrevocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application. (Ord. 10-06, 8-23-2010)

9-8-6: CONDITIONAL USE PERMIT APPLICATION FOR NEW OR MODIFIED TELECOMMUNICATIONS FACILITIES:

The application materials shall include the following written documentation, and the applicant shall be in compliance with the standards and requirements listed below:

- A. **Statement Of Lot Size And Location:** The minimum lot size allowable shall be one hundred feet by one hundred feet (100' x 100').
- B. **Description Of Need:** A description of the need for the proposed telecommunications facility at the proposed location and justification for site selection.
- C. **Final Appearance Drawings:** Final appearance drawings shall be furnished. The applicant shall also include drawings of all accessory buildings, which shall be aesthetically compatible with the surrounding area.
- D. **Suitability Analysis Of Site:** Suitability analysis of the proposed site. The analysis shall include, but is not limited to, the following:
 - 1. **Description Of Surrounding Area:** Description of the surrounding area within one mile of the subject site including topography, which may come from the latest USGA maps.

2. Propagation Charts: Previously prepared propagation charts showing existing and total proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location to provide total coverage, which shall include the following information.
3. Verification Of Consideration Of Alternative Sites: Written verification that alternative sites within a radius of two (2) miles have been considered and have been determined to be technologically unfeasible or unavailable.
4. Written Analysis: Written analysis demonstrating that the telecommunications facility cannot be accommodated on an existing or approved tower within:
 - a. A two (2) mile radius for towers with a height over one hundred feet (100');
 - b. A one mile radius for towers with a height over eighty feet (80'), but not more than one hundred feet (100');
 - c. A one-half (1/2) mile radius for towers with a height over fifty feet (50'), but not more than eighty feet (80'); or
 - d. A one-fourth (1/4) mile radius for towers with a height of fifty feet (50') or less.
 - e. It shall be the burden of the applicant to demonstrate that the proposed telecommunications facility cannot be accommodated on an approved tower or structure within the required search radius due to one or more of the following reasons:
 - (1) Unwillingness of a property owner, tower or telecommunications facility owner to allow shared use.
 - (2) The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or telecommunications facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost. (Ord. 10-06, 8-23-2010)
 - (3) The planned equipment would cause radio interference impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)
 - (4) Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - (5) The proposed collocation with an existing tower or structure would be in violation of local, state or federal law.
 - (6) Any other unforeseen reasons that make it unfeasible to collocate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
- E. Letter Of Intent: A letter of intent committing the telecommunications facility owner and successors to allow the shared use of the telecommunications facility, as required, if additional users agree, in writing, to meet reasonable terms and conditions for shared use.
- F. Proof Of Recorded Legal Right Of Access: Proof of a duly recorded legal right of access to the site for the intended purpose. The county may restrict the location and number of access points to the property.
- G. Lease Agreement: If applicable, relevant portions of a signed lease agreement that requires the applicant to remove the tower and/or associated facilities upon cessation of use.
- H. Outdoor Storage: Outdoor storage of any supplies or vehicles related to the use of the telecommunications facility is prohibited.
- I. Signs, Striping Or Graphics: No signs, striping, graphics or other attention getting devices are permitted on telecommunications facility except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to the fence at the siting area; number of signs is limited to no more than two (2).
- J. Landscape Standards: The following landscape standards shall apply:
 1. Existing Vegetation: Existing vegetation at the siting area shall be preserved to the maximum extent possible. In all zones, landscaping shall be placed as required by the relevant sections of this title.

2. **Security Barrier:** A security barrier shall be installed around each siting area, as approved by the planning and zoning commission. If a fence is installed, it shall be not less than six feet (6') in height from the finished grade. Barbed wire may be placed on the top of the fence. Access shall be by locked gate. The applicant shall also provide the proposed maintenance of the security barrier which shall also be a condition of approval.
- K. **Abandonment:** If any antenna or tower is not operated for a continuous period of six (6) months, it shall be considered abandoned. The owner of such antenna or tower, or property owner, shall remove the same within ninety (90) days. If such antenna or tower is not removed within said ninety (90) days, the county may, at the property owner's expense, remove the antenna or tower and file a lien on the subject property for expenses incurred in removal. If the county is compelled to seek judicial authority to undertake such removal, the reasonable costs and attorney fees incurred by the county in the course of doing so shall constitute a charge against the owner. (Ord. 10-06, 8-23-2010)

9-8-7: ADDITIONAL TECHNICAL REQUIREMENTS:

The following documents must be provided during the application process or as a condition of approval, if the applicant can demonstrate that the burden to provide the document during the application process would justify providing it as a condition of approval:

- A. **FAA FORM 7460-1:** Applicant must provide an FAA form 7460-1 demonstrating that the FAA has reviewed the proposal and a written approval has been received.
- B. **Engineering Data:** Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.
- C. **Engineering Report:** A report from a qualified and licensed professional engineer that: describes the telecommunications facility height and design (including a cross section and elevation); documents the height above grade for the recommended mounting position for collocated antennas and the minimum separation distances between antennas; describes the telecommunications facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.
- D. **Conflict With Other Legal Requirements:** In case of a conflict with other legal requirements, the most restrictive shall apply to the extent that such requirements do not conflict with the 1996 telecommunications act. (Ord. 10-06, 8-23-2010)

SUMMARY:

Staff Questions/Comments/Recommendation:

1. When would the backup generator be added to the site?

ATTACHMENTS:

- Conditional Use Permit 03-19 – Instrument #276051
- Vicinity Map
- Applicant's Response of Sept. 29, 2021
- Responses

END OF STAFF REPORT

Valley County Planning and Zoning Commission

P.O. Box 1350
Courthouse Building Annex



Cascade, Idaho 83611
Phone (208) 382-7114

Date September 23, 2003

Approved by Cynthia Herrick

Instrument # 276051

VALLEY COUNTY, CASCADE, IDAHO

2003-09-22

03:48:36 No. of Pages: 2

Recorded for : V C P & Z

LELAND G. HEINRICH

Ex-Officio Recorder Deputy

Index to: COUNTY MISC

Fee: 0.00

J. Novak

CONDITIONAL USE PERMIT NO. 03-19

Clearshot Communications
Cell Tower on Little Donner
Cascade, Idaho Site

Issued to: Clearshot Communications (Lessee)
888 Starr Circle
Windsor, CA 95492

Department of Lands (Owner)
State of Idaho
555 Deinhard Lane
McCall, ID 83638

Property Location: Located in the SW1/4 of Section 24, T. 14N, R. 3E, B.M., Valley County, Idaho. The site is 10,000 square feet.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of September 11, 2003. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 03-19 with Conditions for establishing a monopole cell tower as described in the application, staff report, and minutes.

The effective date of this permit is September 23, 2003. All provisions of the conditional use permit must be established within one year or a new permit or a permit extension in compliance with the Valley County Land Use and Development Ordinance will be required.

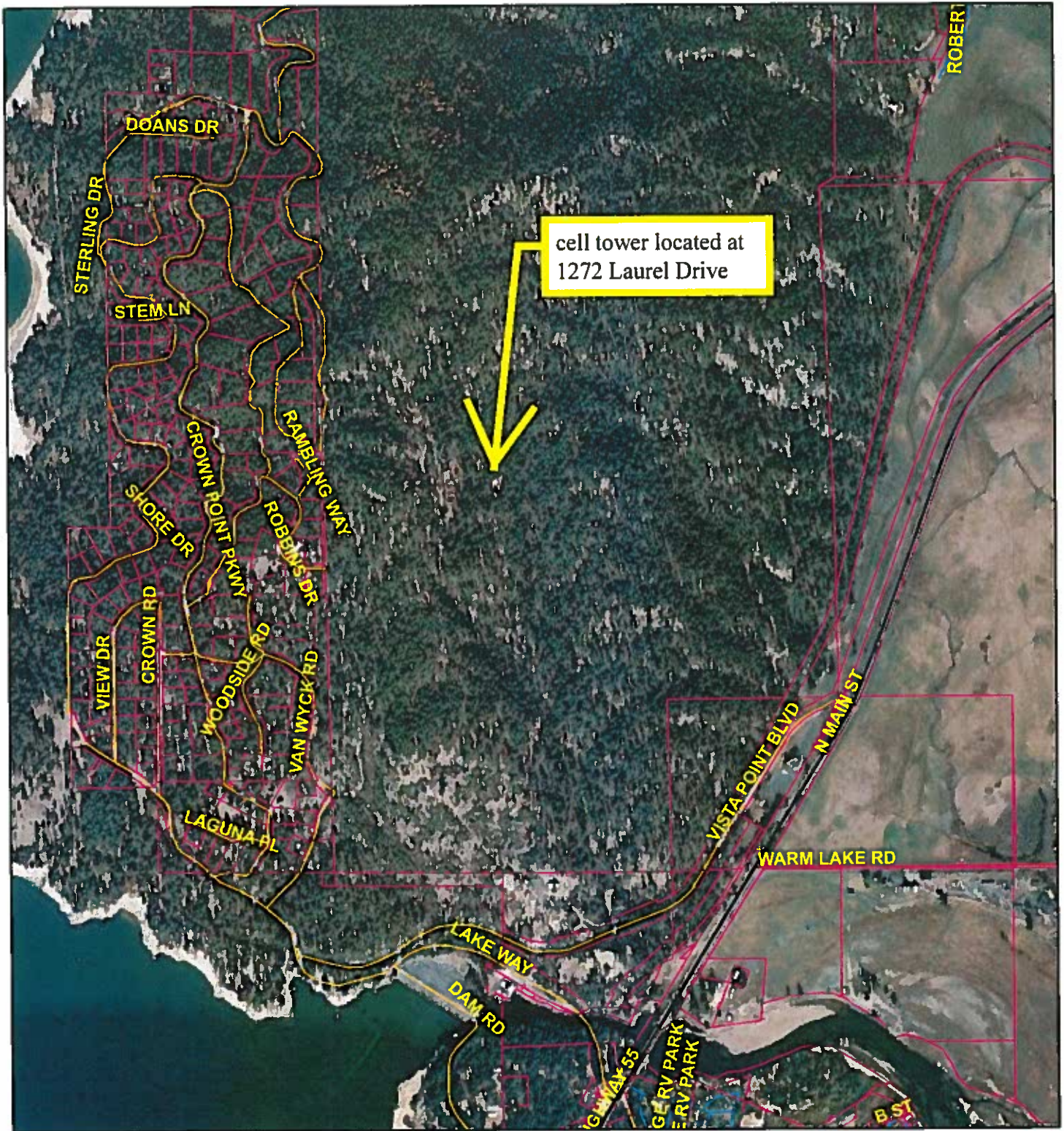
Conditions of Approval:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.

2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The proposed use must be established within one year or this permit shall be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. Building permits will be required for all structures over three feet in height.
6. A copy of the lease with an access easement or proof of such is required.

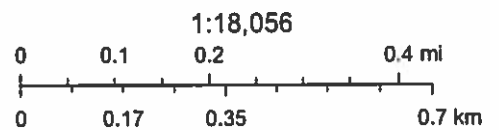
END CONDITIONAL USE PERMIT

C.U.P. 21-28 Laurel Cell Tower



9/8/2021, 10:14:57 AM

- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- MINOR COLLECTOR
- URBAN/RURAL
- PRIVATE



Maxar

Valley County Idaho Planning & Zoning

September 29, 2021

RE: CUP 21-28 Laurel Cell Tower
RP14N03E12IDA1
1272 Laurel Drive

Dear Cynda Herrick and Planning Commission,

We received a notice to provide addition information regarding Condition Use Application CUP 21-28 Laurel Cell Tower. The notice mentioned two items:

- Detailed project description disclosing the purpose, strategy and time frame.
- Lighting Plan

First, the purpose of the proposed project is to install a back up generator for when electrical power service is interrupted. The use of the generator is expected to be minimal. The original construction plans of the existing cell tower called for a back up generator to be installed, but it is now being proposed for installation. The existing cell tower has a concrete pad that was originally designed and built for a back up generator and so no major construction will occur. The construction time frame is expected to be a 3 day project.

Secondly, the existing site has no lights on the perimeter and we are not requesting to add any lights for this project.

If you have any questions, please reach out.

Sincerely,

Elias Flores

Synergy Contact Information

Site Acquisition Specialist: Elias Flores; 714-273-2650; eflores@synergy.cc
Project Manager: Vinny Rowe; 801-597-1612; vrowe@synergy.cc



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____

Conditional Use # CUP 21-28

Preliminary / Final / Short Plat Amendment of CUP 03-19

1272 Laurel Drive
SEC 12

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water
 - bedrock from original grade
 - waste flow characteristics
 - other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
- 14. _____

Reviewed By: _____

Date: 9/17/21