

BLAINE COUNTY PLANNING AND ZONING COMMISSION  
Public Hearing Date: January 10, 2019

ORIGINAL

REGARDING THE APPLICATION OF: Cellular Inc. Network Corporation dba Verizon Wireless and property owner Gardner Family Trust to modify the existing Wireless Communication Facility Conditional Use Permit (WCF-CUP) located on Picabo Mountain.	Findings of Fact, Conclusions of Law and Decision
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**Requested Action:** Public hearing and consideration of an addition of one 12' diameter Omni Antenna, one 3' standoff bracket, one coax cable, one 19" fiber rack, and one Red Dog Equipment package to the existing 60' self-support tower (w/ a 3 ½' lightening rod on top) located at the Picabo Mountain Tower Farm. No increase in overall height is proposed. The property is located in T2S R19E W1/2 Sec 1, all Sec 2, 3 & 4 and has a property address of 500 Picabo Rd. The site is zoned Rural Remote District (RR-40) and Mountain Overlay District.

**Applicable Regulations:** Blaine County Code Title 9, Zoning Regulations, Chapters 2, 3, 6A, 21, and 25; Blaine County Comprehensive Plan.

**Agent:** Jason Evans, J5 Infrastructure Partners

**Section I. General Facts:**

1. Land Use and Building Services received a conditional use permit application on November 26, 2018
2. The subject property is zoned Rural Remote District (RR-40) and is within the Mountain Overlay District (MOD). The 60' WCF tower was granted a Conditional Use Permit by Blaine County in 1993 when it was owned by US Cellular. As set forth in §9-3-16-4(B), any expansion, addition, alteration, modification or change to a county approved WCF requires a conditional use permit and is subject to the requirements of §9-3-16.
3. Public notice for the January 10, 2019 public hearing on this application was provided as follows:
  - A. Legal notice posted in the Idaho Mountain Express on December 26, 2018;
  - B. Notice to surrounding property owners within three hundred feet (300') of the exterior boundary of the subject property, mailed on December 26, 2019;
  - C. Notice to all county political subdivisions, mailed on December 24, 2018;
  - D. On site posting notice was posted on January 3, 2019, at least seven (7) days prior to public hearing;

► **FINDING:** Upon motion by Commissioner Murphy, second by Commissioner Pynn and by a vote of 7 - 0, the Commission finds notice to be adequate and in compliance with I.C. 67-6512 and § 9-25-4 of the Zoning Ordinance.

4. The following exhibits are attached hereto:

A Exhibits: Applicant Submittals; received at Land Use and Building Services on November 26, 2018 unless otherwise indicated.

A-1 Conditional Use Permit application and authorizations

A-2 Standard of Evaluation responses

A-3 Cover letter

A-4 11 x 17 project sheets for the Site Modification CUP

- T1 title sheet
- SP1 specification sheet & photo sheet
- C1 site plan
- C2 elevations
- C3 coax section & entry port
- C4 shelter mapping & RRH Hybrid Trunk Diagram and Chart
- C5 details
- RF1 antenna information
- RF2 antenna cut sheets
- G1 grounding details

B Exhibits--Land Use and Building Services

C Exhibits--Public Comment

No public comment had been received as of the date of this staff report

**Section II**  
**§9-3-16-12 Standards of Evaluation**  
**for a Wireless Communications Facility (WCF) Conditional Use Permit**

*The applicant has the burden of demonstrating compliance with each of the following Threshold Standards of Evaluation as set forth in subsection (A). The Commission shall review the application and determine if there is substantial evidence in the record to make a finding that either the proposal complies with each of the following standards of evaluation, or the specific standard is not applicable to the application.*

**A. Threshold Standards**

*1. Applicant Review: The Commission or Hearing Examiner may consider whether existing WCFs operated by the applicant in Blaine County, including within the incorporated cities, or on state or federally administered lands by a permittee, have obtained necessary permits from the governing jurisdiction, before any new permit for the applicant is granted. If the applicant has not obtained the required permits from the appropriate jurisdiction, the Commission or Hearing Examiner may require the applicant to obtain other required permits as a condition of approval for any new permit issued by the County.*

► **FINDING: Compliance.** The subject WCF tower was granted a Conditional Use Permit by Blaine County in 1993 when it was owned by US Cellular.

2. *Alternative site and/or design studies provided by the applicant shall demonstrate that reasonable consideration has been given to such alternative sites or designs and the proposal is the preferred alternative when considered in light of the purposes and intent of this Chapter.*

► **FINDING:** Compliance. The proposed modifications are to an existing tower, but that is not specifically stated. According to the applicant an alternative would be a new pole or tower, rather than the proposed co-location on the existing tower.

3. *If the applicant or landowner with respect to an application for a conditional use permit under this section is the State of Idaho...* **FINDING:** Not applicable.

4. *Height Limitations: WCFs located in the Mountain Overlay District shall not exceed the height of any existing WCF at the site, as measured from ground level to the highest point of the WCF, including all attachments thereto.*

► **FINDING:** Compliance. No change to the existing height of the tower is proposed.

5. *Setback Requirements . . .* **FINDING:** Not applicable. The setbacks from the existing tower are not proposed to change.

6. *Facade-mounted antenna arrays associated with a WCF shall . . .* **FINDING:** Not applicable. This is not a facade mounted installation.

7. *Fall Zone Requirements . . .* **FINDING:** Not applicable. Fall zone is not proposed to change tower.

8. *Parking Requirements . . .* **FINDING:** Not applicable. No changes are proposed to parking.

9. *Access Requirements . . .* **FINDING:** Not applicable. No changes are proposed to the existing access.

10. *Facility Upgrade: At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to minimize visual impact.*

► **FINDING:** Compliance. Existing equipment is not being replaced. The proposal is to add equipment to provide two way radio service. Regardless, the Picabo Mountain Tower Farm is so remote that visual impact will be minimal.

There was considerable discussion among the commission that this standard should also apply to an *addition* to a tower, such as being proposed with this application. The conclusion was that since this equipment was not already existing, this standard doesn't apply. Staff was instructed to consider this when "housekeeping text amendments" were under review in the future.

### ***B. Design and Siting Standards:***

*Pursuant to §9-3-16-12, the applicant has the burden of demonstrating compliance with each of the following Design and Siting standards of evaluation as set forth in subsection (B) of this Title. The Commission shall review the application and determine if there is substantial evidence in the*

record to make a finding that either the proposal complies with each of the following standards of evaluation, or the specific standard is not applicable to the application.

1. *Visibility: The WCF shall be designed to eliminate, to the greatest extent possible, the visibility of the proposed facility as viewed from a reference road, Wood River Trail System, or State Highway 75 as it passes through a municipality by means of concealment, camouflage, disguise and placement. While complete elimination of any visual impact cannot be accomplished in every case, the applicants shall make every available effort to insure that the visibility of the proposed WCF is slight.*

► **FINDING: Compliance.** The Tower is existing. The Picabo Mountain Tower Farm is so remote that visual impact of the proposed additions will be minimal.

2. *Scale: The WCF shall be designed and constructed to be in scale with the surrounding land uses and structures as exhibited by relative height, mass and proportion.*

► **FINDING: Compliance.** This existing tower is located in the Picabo Hills Tower Farm along with several other similar installations. This tower is not the tallest in the vicinity. The existing structure will not be modified. This is an addition to the existing structure.

3. *Lighting: FINDING: No lighting is required or requested.*

4. *Security Barriers: A security barrier may be required by the Building Official, Commission or Hearing Examiner to be erected...*

► **FINDING: Compliance.** There is an existing fence around the tower and it is not proposed to change.

5. *Equipment Vaults, Sheds and Structures: FINDING: No vaults or sheds are proposed with this application.*

6. *Noise Emissions: FINDING: Not applicable.*

### **C. Design Standards for Utility Pole Mounted WCFs:**

**FINDING:** These standards are not applicable. The antennas will not be mounted on a utility pole.

### **Section III.**

#### **Decision, existing conditions Pursuant §9-3-16-13 of the Zoning Ordinance**

► Upon a motion by Commissioner Murphy, a second by Commissioner Fosbury and a vote of 7 – 0, the Planning and Zoning Commission conditionally approves the addition of one 12' diameter Omni Antenna, one 3' standoff bracket, one coax cable, one 19" fiber rack and one Red Dog Equipment package to the existing 60' self-support tower (w/ 3 ½' lightning rod on top) located at the Picabo Mountain Tower Farm, 500 Picabo Rd. as discussed and decided upon at this Public Hearing.

Pursuant to §9-3-16 (11), the Commission shall enter an order approving, conditionally approving or denying the application within thirty one (31) days after conclusion of the public hearing together with the reasons therefore. Subsection 13 provides that conditional uses are subject to the conditions specified prior to issuance of their permits. Should approval of the conditional use permit modification application be forthcoming, conditions of approval include, but are not limited to, the following:

**MAINTENANCE:**

- Weatherproofed identification plaque at the site which is readily visible to persons approaching the WCF shall include the name and telephone number of a representative of the carrier and mount owner to be contacted in the event of any emergency WCF site. The contact representative is to be available on a twenty four (24) hour a day, seven (7) day a week basis. The information shall be kept current at all times.

**ABANDONMENT:**

- At such time that a licensed carrier or service provider plans to abandon or discontinue operation of a WCF, such carrier shall notify the county by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier or service provider fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.
- Upon abandonment or discontinuation of use, the carrier, property owner or owner of the mount shall physically remove the WCF, or the abandoned portion thereof, within a specified period of time, not to exceed one year from the date of abandonment or discontinuation of use. If good cause for delay in removing the abandoned equipment is shown, the administrator may once only extend the period for removal for a period not exceeding six (6) months, provided application is made for an extension before the end of the one year period. "Physically remove" shall include, but not be limited to:
  - Removal of antennas, support structures, equipment enclosures and security barriers from the subject property;
  - Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
  - Restoring the location of the WCF to its natural condition, except that any landscaping and grading shall remain in the after conditions. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.
- If a carrier, property owner or owner of the mount fails to remove the abandoned portion of the WCF in accordance with this section, the county may cause the abandoned portion of the facility to be removed, and all expenses of removal shall be paid by the owner of land where the facility is located. In the event of nonpayment, the county may place a lien on the property in the amount of one hundred twenty percent (120%) of all costs associated with removal and disposal of the WCF, or portion thereof.

- In the event more than one provider is using the mount, the mount shall not be considered abandoned until all such users cease using the mount as provided in this section 9-3-16.
- Provide financial guarantee for removal of unused or abandoned equipment and/or mount, and reclamation of the site to its previous condition prior to the installation of the WCF.
- The access road and site shall be available for inspection by county officials and fire protection personnel.
- WCFs shall meet all applicable regulations including, but not limited to, compliance to the international building and fire codes as adopted by the county.
- The owner or operator of the WCF shall provide for and conduct an inspection of mounts by a licensed structural engineer at least once every five (5) years. The written results of said inspection shall be provided to the administrator verifying structural integrity, equipment and tenants on the mounts.

**Applicant and/or any aggrieved person has the right to appeal this decision to the Blaine County Board of Commissioners pursuant to Blaine County Code 9-32-4 by filing a notice of appeal in accordance with that section within twenty (20) days of the date of this order and decision.**

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of January, 2019

BLAINE COUNTY PLANNING AND ZONING COMMISSION

By:   
Rachel Martin; Chairman

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CERTIFICATE OF MAILING

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above-entitled action, certifies that on the 25<sup>th</sup> day of Jan 2019, he/she served a true and correct copy of the foregoing document by depositing the same in the United States mail with postage prepaid addressed as follows or by service otherwise as noted:

Jason Evans  
J5 Infrastructure Partners  
jevans@j5ip.com

  
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Staff Member