

MINUTE ORDER

BONNER COUNTY PLANNING and ZONING COMMISSION PUBLIC HEARING MINUTES JULY 23, 2015

CALL TO ORDER: Chair Roger Daar called the Bonner County Planning and Zoning Commission hearing to order at 5:31 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Roger Daar; Vice Chair Steve Temple; Brian Bailey; Mitch Martin; and Margaret W. Hall (arrived at 5:58 p.m.)

ABSENT: Commissioner Greg Snow

ALSO PRESENT: Planning Director Clare Marley, AICP; Senior Planner II Dan Carlson, AICP; Associate Planner Saegen Neiman; and Administrative Secretary Tina Smith

PUBLIC HEARING:

CONDITIONAL USE PERMIT

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File C982-15 - Conditional Use Permit – Communication Tower – Randy Poelstra is requesting conditional use permit approval to allow for the construction of a 150-foot tall monopole wireless communication tower and installation of an equipment shelter within a 2,500 square foot lease area of a 160-acre parcel. The site is generally located 4.8 miles northeast of Kootenai on Selle Road in Section 28, Township 58 North, Range 1 West, Boise Meridian. The property is zoned Ag/Forestry-20.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts. Commissioner Brian Bailey disclosed that he knows the property owner and that this will not affect his decision. There were no other disclosures.

STAFF PRESENTATION: Associate Planner Saegen Neiman presented a PowerPoint presentation of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code. The PowerPoint presentation has been submitted to the file.

APPLICANT PRESENTATION: Applicant Randy Poelstra provided a history of this project.

Project Representative Derek Budig of ProLand L.L.C., discussed the following: technical need, public necessity, economic development, benefits of this tower, and overhead utilities. He noted there were no adverse effects to the community.

Engineer Mark Tuttle of Verizon Wireless, discussed the following: surrounding towers, site performance, capacity draw, signal, voice over data, and the site is data driven. In response to Commission inquiries, Mr. Tuttle explained the reasons four sites are needed. This tower would be the hub for Colburn, he said. He noted the tower will be galvanized and discussed lattice versus monopole and the tower is being designed for co-location.

Mr. Budig discussed the Colburn and Hickey sites.

STAFF INPUT: In response to Commission inquiries, Planning Director Clare Marley clarified the timeline of the application process for this project. A copy of a letter from Verizon dated June 18, 2015 was provided to the Commission for their review. Director Marley also addressed the removal of the tower if not used.

PUBLIC/AGENCY TESTIMONY: Patty Doudna commented on null zone, adverse effects and radio frequencies.

APPLICANT REBUTTAL: Mr. Tuttle explained what a null zone is, the Schweitzer site and adverse effects.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Temple moved to approve this project FILE C982-15 to allow for the construction of a 150-foot tall wireless communication tower, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Temple further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Martin seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data: The site is a 2,500 square foot portion of a 160-acre parcel. The property contains an existing residence and agriculture structures associated with the farm.

B. Access: Access is provided by a 12-foot wide gravel driveway, located within a 20-foot wide access and utility easement, which encroaches onto Selle Road. Shingle Mill Road is a paved major collector county road, located within an 80 foot wide right-of-way.

C. Environmental factors: The site is generally flat pasture land. The National Hydrography Dataset maps two ponds on the southwest portions of the 160-acre parcel. Located near the mapped ponds, the United States Department of Fish and Wildlife wetlands inventory maps two wetlands on the southwest portions of the parcel. The site contains no steep slopes, flood hazard area (ZONE: X – DFIRM: 0730), or critical wildlife habitat, yet portion of the property contain prime agricultural soils, located on the southeast portions of the parcel (Selle Fine Sandy Loam – 48).

D. Services: The site would be unmanned, therefore would not require potable water or sewage disposal services. The property is located within the Northside Fire District.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Agriculture/Forestry	A/F-20	Agriculture; 160 acres
North	Agriculture/Forestry	A/F-10	Rural Residential; 5+ acres
East	Agriculture/Forestry	A/F-20	Rural Residential; 10+ acres
South	Agriculture/Forestry	A/F-10	Rural Residential; 10+ acres
West	Agriculture/Forestry	A/F-10	Rural Residential; 10+ acres

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Standards	Required	Provided
Standards for communication towers, BCRC 12-488(A)	Enclosure fence 6 feet or higher	The facility will be enclosed by a 6 foot fence
Standards for communication towers, BCRC 12-488(B)	Setbacks equal to tower height	The closest setback to a property line would be 178 feet away from the 150 foot tall tower.
Standards for communication towers, BCRC 12-488(C)	Commission shall consider convenience and necessity as well as adverse effects	According to the application, the proposed facility would help close service gaps in a poor coverage area.
Standards for communication towers,	Built to TIA/EIA 222	Engineered stamped

BCRC 12-488(D)	revision F standards for steel antenna support structures	drawings of the tower provide compliance with industry construction standards.
Standards for communication towers, BCRC 12-488(E)	Constructed to accommodate collocation where technically feasible	The proposed tower is designed to accommodate additional carriers, according to the application.
Standards for communication towers, BCRC 12-488(F)	Meet standards of the Federal Aviation Administration (FAA)	See Condition A-8
Standards for communication towers, BCRC 12-488(G)	Shall not penetrate any airspace surface on or adjacent to any airfields	The tower is not adjacent to any airfields, and does not penetrate any airspace.
Standards for communication towers, BCRC 12-488(H)	Shall be removed upon termination of use	See Condition A-10
Standards for communication towers, BCRC 12-488(I)	Flammable material storage in accordance with International Fire Code standards	See Condition A-11
Standards for communication towers, BCRC 12-488(J)	Tower shall not be used to place signage.	The only tower signage will be limited to requirements from federal agencies.

G. Comprehensive Plan Land Use Designation

The property is designated Ag/Forest Land. The comprehensive plan designation of Ag/Forest Land provides for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products.

H. Land Capability Report A land capability report was submitted to the record by Harold Duncanson, P.E., in accordance with BCRC 12-222(j), which states:

- Based on the information presented, the site is capable of withstanding the proposed disturbances without risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage as required by BCRC 12-222(J).

I. Stormwater plan

A stormwater management plan was required pursuant to BCRC 12-7.2. The plan by Harold Duncanson, P.E. calls for grassy infiltration areas (GIA) to treat stormwater runoff from the parking area, and the equipment compound area. Minor runoff associated with the driveway will be treated via dispersal into surrounding vegetation.

J. Agency Review

The application was routed to the following agencies for comment on May 1, 2015:

*Panhandle Health District
Northside Fire District
Department of Lands (Sandpoint)
U.S. Fish and Wildlife Services
Bonner County Contract Engineer*

*Bonner County Public Works Department
Northern Lights, Inc.
Federal Aviation Administration
Sandpoint Airport Manager*

The following agencies commented:

Panhandle Health District, Tim French, Response dated May 4, 2015:

No comment

Bonner County Public Works, Matt Mulder, P.E., Response dated May 15, 2015:

Mr. Mulder stated that the proposed driveway would not meet Bonner County encroachment standards, because it was too close to the intersection of Hickey Road and Selle Road. Mr. Mulder further noted that a commercial encroachment permit will be required for the new driveway access.

Staff Note: The applicants have since revised their plans to reflect the relocated driveway, and driveway encroachment.

Bonner County Contract Engineer, Andrew Baden, P.E., Letter dated May 15, 2015:

Mr. Baden requested updated treatment calculations for the driveway, as well as stated that all treatment of stormwater runoff shall be treated within the property lines or project boundaries.

Bonner County Contract Engineer, Andrew Baden, P.E., Letter dated June 17, 2015:

The applicant provided revised stormwater plans, which Mr. Baden deemed complete and in accord with Bonner County stormwater requirements.

K. Public Notice & Comments

The following public comments were received:

No public comments have been submitted to the record at the time of staff report issuance.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed conditional use permit **is** in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights | •Population | •School Facilities, Transportation |
| •Economic Development | •Land Use | •Natural Resources |
| •Hazardous Areas | •Public Services | •Transportation |
| •Recreation | •Special Areas or Sites | •Housing |
| •Community Design | •Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.
- A-5** The applicant shall install prior to ground disturbing activities all temporary erosion control measures as designed and approved. The applicant shall provide to the Planning Department prior to ground disturbing activities a signed statement from the project engineer or design professional stating that these measures have been installed as per the design specifications as approved. The applicant shall install upon completing ground disturbing activities and shall maintain thereafter all permanent erosion control and stormwater management measures as designed and approved. The applicant shall provide to the Planning Department upon completing ground disturbing activities a signed statement from the project engineer or design

professional stating that these measures have been installed as per the design specifications as approved.

- A-6** The communication and attendant facilities shall be enclosed by a fence not less than six feet (6') in height. The fence shall be maintained for the life of the use.
- A-7** The communication tower shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures and shall meet all operational, construction, and lighting standards of the Federal Aviation Administration.
- A-8** The communication tower shall meet all Federal Aviation Administration standards.
- A-9** The communication tower shall not penetrate any airspace surface on or adjacent to any public or private airfields, as set forth at BCRC 12-5.2.
- A-10** Upon termination of use for a period of not less than one year, the landowner and/or the tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.
- A-11** Any flammable material storage shall be in accord with International Fire Code standards.
- A-12** The communication tower and associated enclosure fence shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a government agency.

Conditions to be met prior to issuance of the permit:

- B-1** Prior to construction of the communication tower, the applicant shall obtain a building location permit for the tower from the Bonner County Planning Department.