

Valley County Planning and Zoning

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STAFF REPORT:	C.U.P. 23-44 Cell Tower
HEARING DATE:	November 9, 2023
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT:	Maverick Towers 1815 North 11th ST, Boise, ID 83702
REPRESENTATIVE:	Jason Evans, J5 Infrastructure Partners 3327 N Eagle RD, Suite 110-131, Meridian, ID 83646
PROPERTY OWNER:	William Herrick and Jenni Frame 234 8th ST, Loveland, CO 80537
LOCATION:	A 100-ft x 100-ft leased portion of parcel RP12N04E093155, located in the SE ¼ Section 1, T.15N, R.3E, Boise Meridian, Valley County, Idaho
SIZE:	10,000-sq ft of a 40-acre Parcel
REQUEST:	Cell Tower
EXISTING LAND USE:	Agricultural (Grazing, Timber)

Maverick Towers is requesting a conditional use permit for a 150-ft tall cell tower with a backup generator.

The site would be a 100-ft x 100-ft leased portion of parcel RP12N04E093155. The original lease size was 50-ft x 50-ft but has been modified to meet the minimum size standard. A six-ft high chain link fence would surround the cell tower. The applicant states the tower will be visible from the highway but the equipment would be hidden by existing trees. The proposal is a galvanized steel structure that is not camouflaged.

The proposed tower site would be designed and engineered to hold a minimum of three carriers. The applicant states the facility will not require any lighting. A back-up generator would be tested monthly.

There are no existing towers within two miles of this site. The proposed tower is approximately 2,734 feet from State Highway 55 and 178-ft from the property line to the west. The nearest residential structure is more than 2,000-ft away. The fall zone is within parcel RP12N04E093155.

Power for the site will be provided by Idaho Power from Highway 55. The applicant proposes

above ground electrical lines on 11 poles running easterly from the highway to the site.

The site would be accessed from State Highway 55. The applicant should clarify if the proposed access road and utility easement travels across parcel RP12N04E080003 (owned by William Herrick and Jenni Frame) or RP12N04E080525 (owned by Peter and Suzanne Adams). The application states that the access road will be shared with access to RP12N04E080525.

FINDINGS:

1. The application was submitted on September 25, 2023.
2. Legal notice was posted in the *Star News* on October 19, 2023, and October 26, 2023. Potentially affected agencies were notified on October 9, 2023. Neighbors within 300 feet of the property line were notified by fact sheet sent October 11, 2023. The site was posted on October 18, 2023. The notice and application were posted online at www.co.valley.id.us on October 9, 2023.
3. The applicant held a neighborhood meeting on August 30, 2023, via Zoom. Notifications and letters were sent to all property owners within 300-ft. The only attendees were Verizon Wireless and Andy Cockell with Maverick Towers (the applicant).
4. Agency comment received:
Mike Reno, Central District Health, has no objections. (October 10, 2023)
5. Public comment received: *none*
6. Physical characteristics of the site: Slightly sloped and partially covered with conifers.
6. The surrounding land use and zoning includes:
North: Agricultural (Irrigated Grazing)
South: Agricultural (Timber)
East: Agricultural (Dry Grazing)
West: Agricultural, Single-Family Residential
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

Review of Title 9 - Chapter 5 Conditional Uses and Chapter 8 should be done.

TITLE 9 LAND USE AND DEVELOPMENT

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's compatibility rating is a +17.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).

STAFF COMMENTS / QUESTIONS:

1. This site is within the Cascade Fire District. It is not within an irrigation district nor a herd district.
2. The applicant should clarify if the proposed access road and utility easement travels across parcel RP12N04E080003 (owned by William Herrick and Jenni Frame) or RP12N04E080525 (owned by Peter and Suzanne Adams).
3. The application states there will be 15 power poles going across the field to this site. Can the power be placed underground?
4. Does the applicant plan to camouflage the structure? This is along the Payette River National Scenic Byway. Staff's bigger concern is not the cell tower in the trees, but 15 power poles crossing the field.
5. The applicant shall confirm that the site will be leased. If it is purchased, minimum setbacks will be 160-ft from the property line (150-ft + 10-ft).
6. The application (under response to VCC 9-8-6G) states a copy of the lease is included with the application. **This was not received.**
7. FAA Form 7460-1 is required prior to installation of the tower.

ATTACHMENTS:

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Wetland Map
- Assessor Plats – T.12N R.4E Sec. 9
- Pictures Taken from Highway 55 on October 18, 2023
- Proposed Site Plan
- Responses
- Applicant's Letter of November 1, 2023

Proposed 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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.

3. 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.
4. The use shall be established within one year or a permit extension will be required.
5. A letter of approval is required from Cascade Fire District, particularly for the generator.
6. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. This includes any access road lighting.
7. The site must be kept in a neat and orderly manner.
8. All noxious weeds on the leased site must be controlled.
9. A site grading plan must be reviewed and approved by the Valley County Engineer prior to construction.
10. A building permit is required for any structure over 3' in height. This includes co-location.
11. An access and utility easement shall be recorded.
12. If the use is abandoned, the tower shall be removed.

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: 10

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) +1 X 4 +4

1. Is the proposed use compatible with the dominant adjacent land use?

Agricultural

(+2/-2) -1 X 2 -2

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Rural Residential

(+2/-2) +1 X 1 +1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Mostly Ag and SF Residential

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) -1 X 3 -3

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

Large enough + in trees.

(+2/-2) +1 X 1 +1

5. Power poles to site are not in trees.

Is the size or scale of proposed lots and/or structures similar to adjacent ones?

Larger

(+2/-2) +2 X 2 +4

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

No Change

(+2/-2) +2 X 2 +4

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

None

(+2/-2) +2 X 2 +4

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

Will benefit service

(+2/-2) +2 X 2 +4

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

↑ taxes

Sub-Total (+) 22

Sub-Total (--) 5

Total Score +17

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

- A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.
- B. Purpose; Use:
1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
 2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.
- C. General Evaluation: Completing the compatibility questions and evaluation (form):
1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
 - Plus 2 - assigned for full compatibility (adjacency encouraged).
 - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
 - 0 - assigned if not applicable or neutral.
 - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
 - Minus 2 - assigned for no compatibility (adjacency not acceptable).
 2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
 - x4 - indicates major relative importance.
 - x3 - indicates above average relative importance.
 - x2 - indicates below average relative importance.
 - x1 - indicates minor relative importance.
- D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.
- E. Terms:
- DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and
1. Comprises at least one-half (1/2) of the adjacent uses and one-fourth (1/4) of the total adjacent area; or
 2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
 3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.
- LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.
- F. Questions 4 Through 9:
1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
 2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING

QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+1
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
11. PUBLIC REC.	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13. LANDFILL or SWR PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	+1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1		+2	+2	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2	+2		+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	-1	-1	-1	-2	-1	-2	-2	+1		+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-2	-1	-2	+1	+1	+2	

RATE THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) _____ X 4 _____

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2) _____ X 2 _____

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2) _____ X 1 _____

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) _____ X 3 _____

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2) _____ X 1 _____

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2) _____ X 2 _____

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2) _____ X 2 _____

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2) _____ X 2 _____

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2) _____ X 2 _____

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

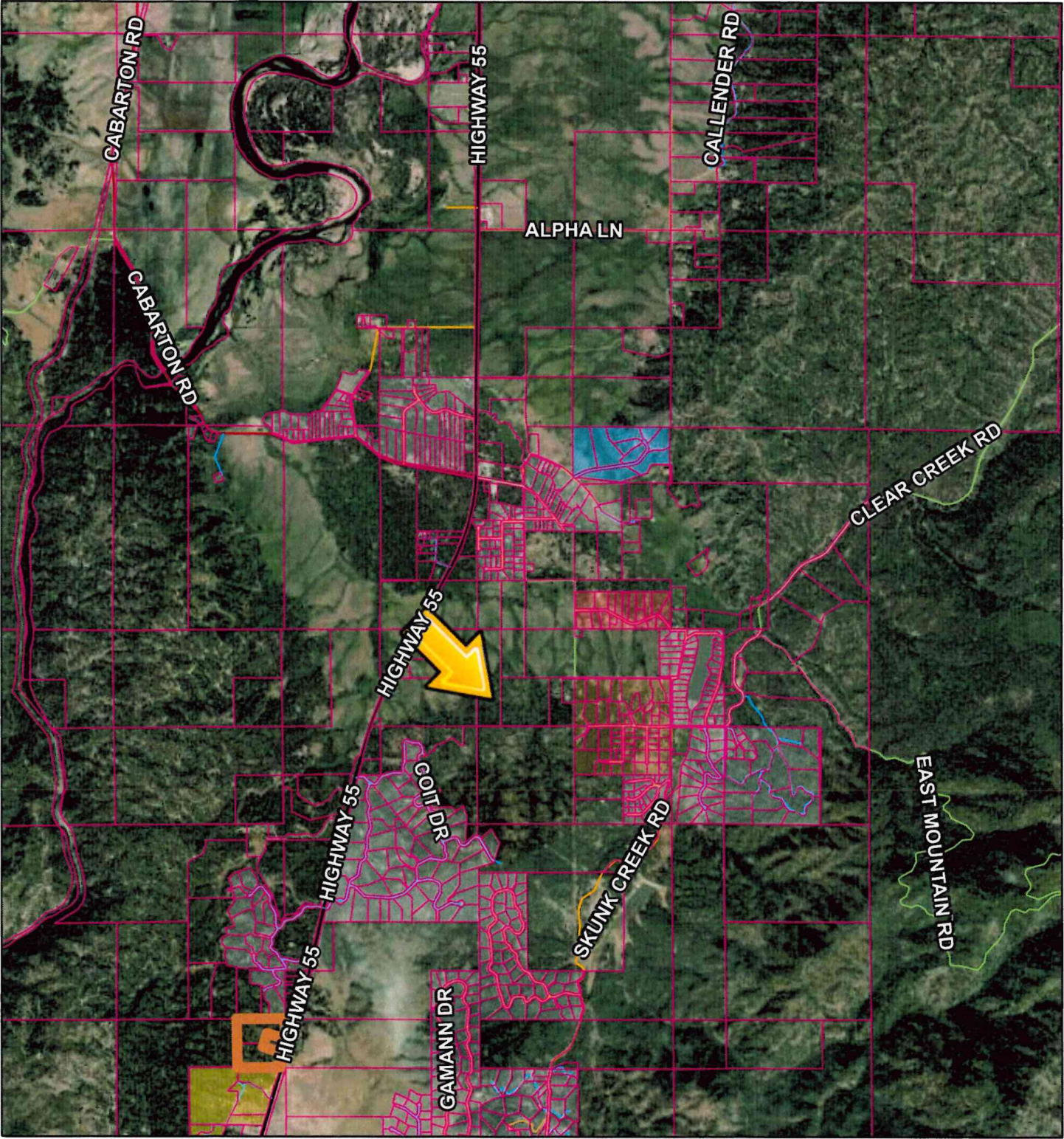
Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

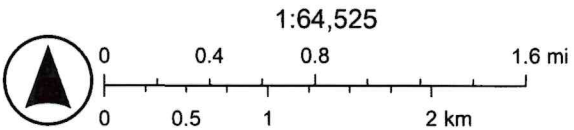
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 23-44 Vicinity Map



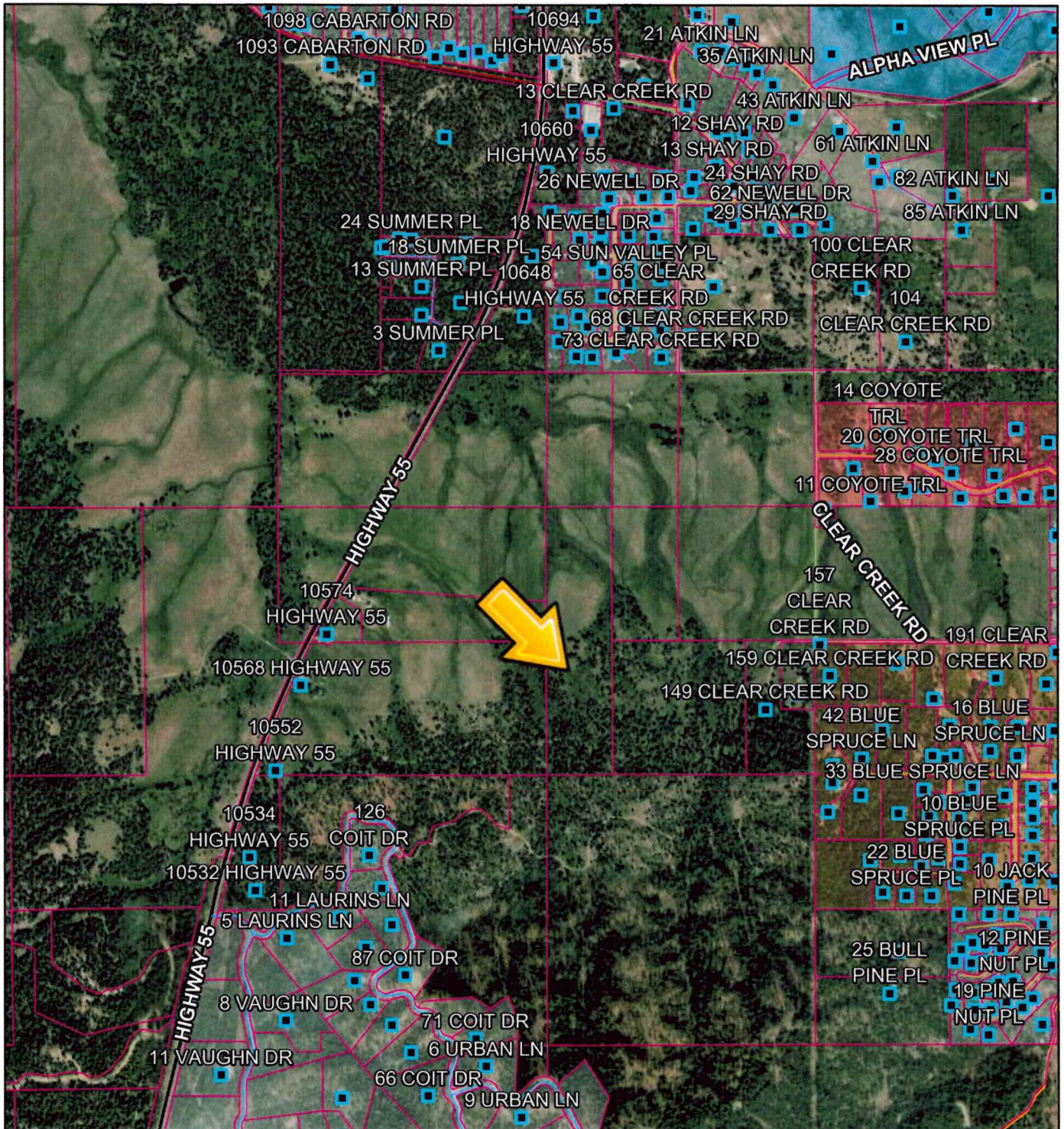
10/3/2023, 12:00:04 PM

- Parcel Boundaries
- URBAN/RURAL
- Roads
- USFS
- MAJOR
- PRIVATE
- COLLECTOR



Earthstar Geographics

C.U.P. 23-44 Approximate Location



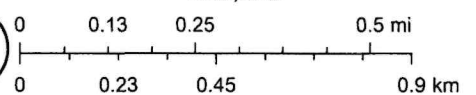
10/3/2023, 11:58:35 AM

- | | |
|--|---|
| ■ Address Points | — COLLECTOR |
| Parcel Boundaries | — URBAN/RURAL |
| Roads | — USFS |
| — MAJOR | — PRIVATE |

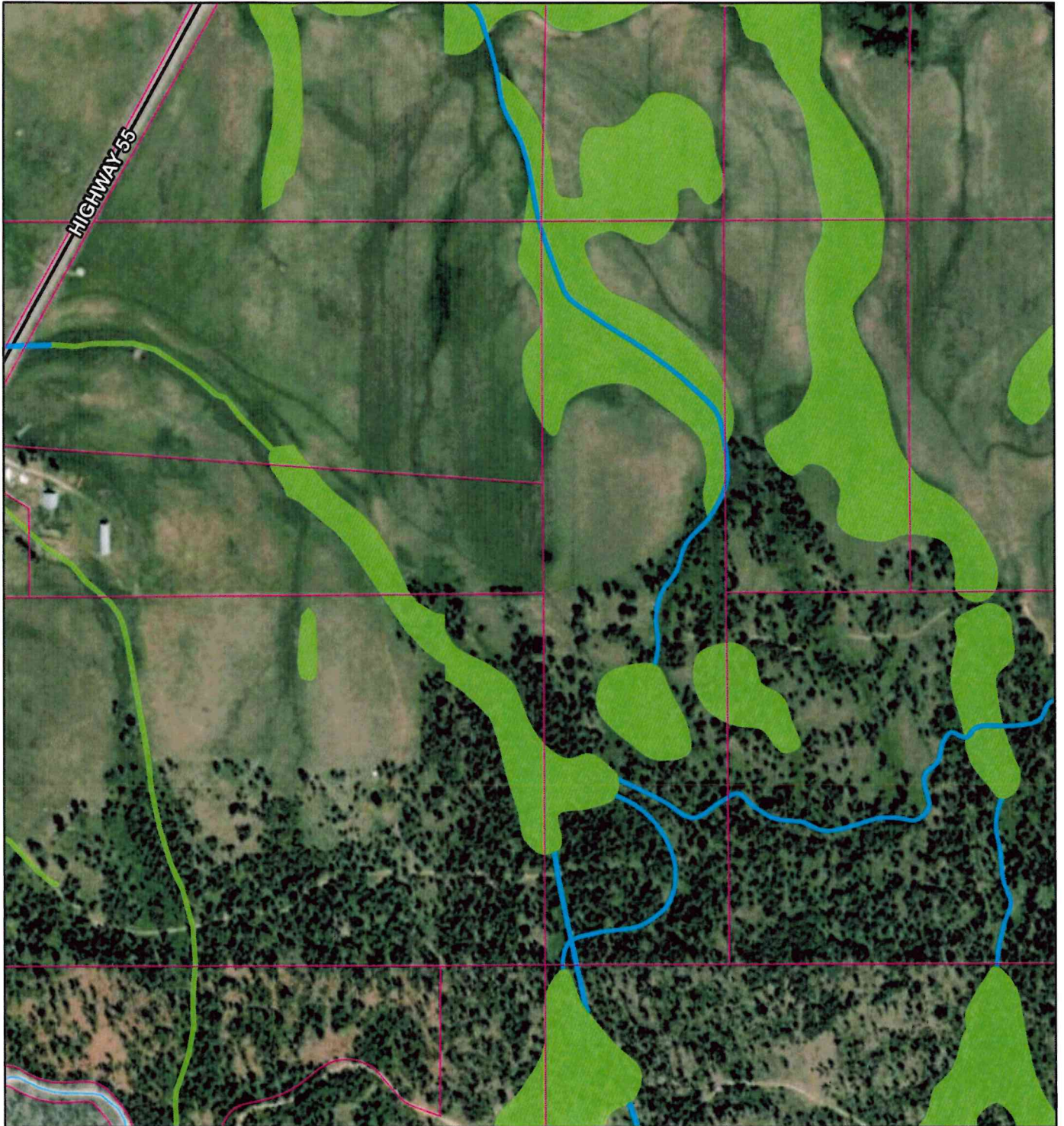


Maxar

1:23,229



C.U.P. 23-44 Wetland Map



10/12/2023, 3:53:36 PM

Parcel Boundaries

Wetlands (USFWS)

Marsh, Swamp, Bog, Prairie

River

Roads

MAJOR

PRIVATE



Maxar

1:8,362

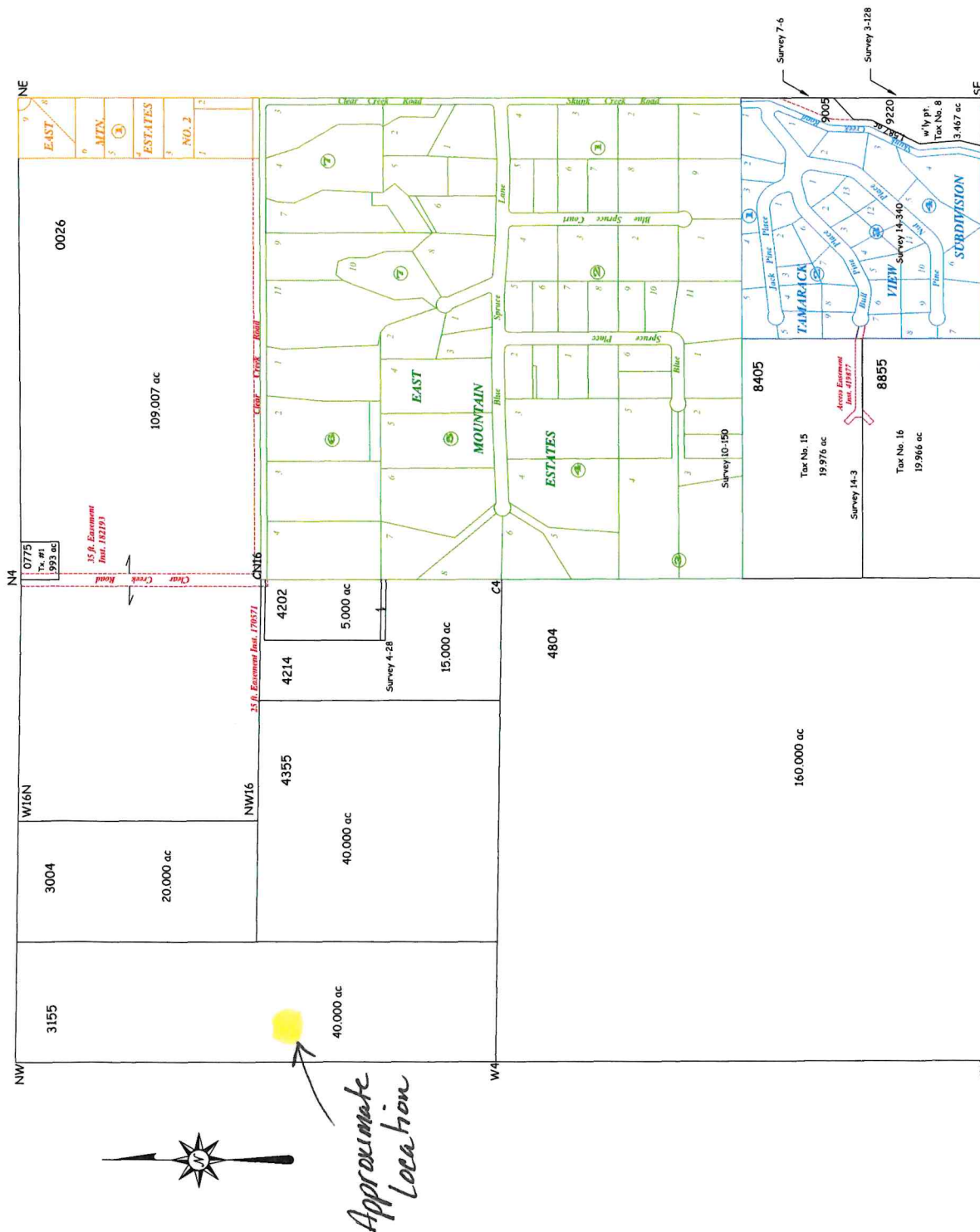
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

TWP. 12N R04E SEC. 09

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename: Valley County Base Map
Scale: 1" = 100 ft.

Date: 8/3/2023
Drawn by: L Frederic

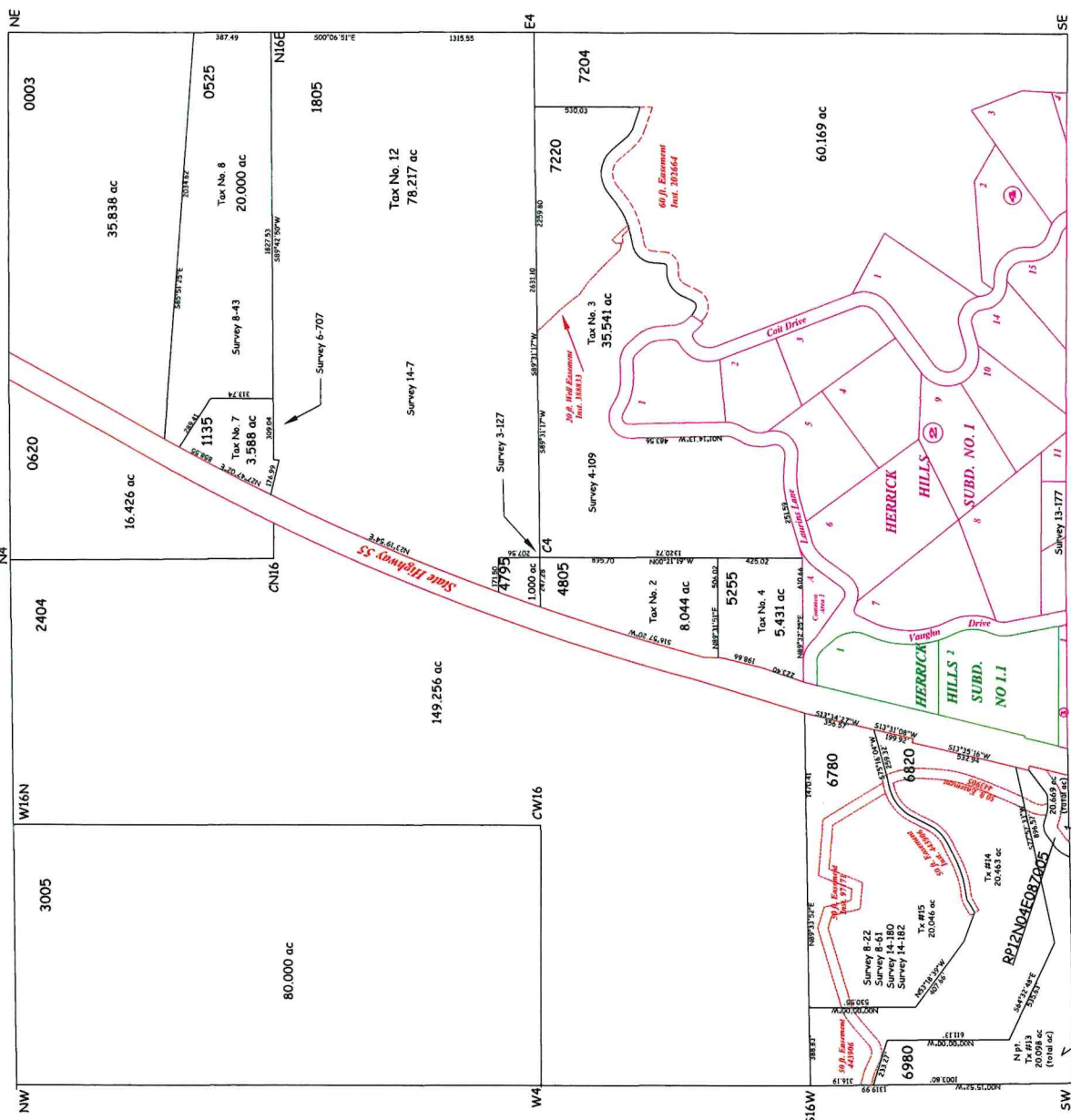


PLAT TITLE

T W P . 1 2 N R O 4 E S E C . 0 8

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map
Scale: 1"=400ft.
Date: 7/17/2023
Drawn by: L. Frederick



This Drawing is to be used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.







Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # CUP 23-44

Preliminary / Final / Short Plat Cell Tower

sec 1

- ☒ 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 ☐ waste flow characteristics
☐ bedrock from original grade ☐ 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 ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central 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 ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☐ 14. _____

Reviewed by [Signature]

Date 10 10 23



November 1, 2023

Valley County Planning and Zoning
219 North Main Street
PO Box 1350
Cascade, Idaho 83611

RE: C.U.P 23-44 Cell Tower on Herrick Hill

To Cynda Herrick:

In response to the October 4th letter requesting additional information, the below statements should answer any questions regarding the project:

1) How will you obtain power? *Power will be provided by Idaho Power from Highway 55 via an easement*

2) Will power be underground? *Power is proposed as above ground*

3) If not, how many poles will be proposed along the easement?

Per Idaho power, 11 poles will be required and these will run East/ West from the right of way to the proposed location

4) Will you camouflage the structure?

The current proposal is not to stealh the proposed wireless facility. Often times when a wireless facility is disguised or stealthed, it ultimately works opposite of the intention and stands out more then a simple selft support tower. The proposed facility would be a selft support with galvanized steel, which will ultimately blend in more over time and over the various seasons.

5) Are you purchasing or leasing the property?

Maverick is proposing to lease the property from the owner and will comply with the 150'+10' setback requireement.

We look forward to reveiwing the staff report prior to the public hearing and will be available to answer any questions at any point.

Sincerely,

Andy Cockell



Andy Cockell

Maverick Towers, LLC

