

Latah County Zoning Commission Meeting Minutes

Date: 01/20/2016

Location: Latah County Courthouse Room 2-B

Members Present: Rodney Parker, Patrick Wilson, Bob Henriksen, and Nancy Largent

Staff Present: Chris Blankenship, Mauri Knott and Taylor Minshall

Meeting opened by Patrick Wilson, Chairman, at 17:30.

Continuance of CUP 969 - A request by Weis Tower LLC, for a conditional use permit to place a wireless communications tower on a 39.8-acre parcel in the Agriculture/Forest zone, owned by Byron Hayhurst. The property is located in Section 20, Township 41 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP41N05W209210A.

Opened Public Hearing: 17:36

Opened Public Comment: 17:38 – Adjacent property owners testified neutral.

Closed Public Comment: 18:04

Motion: B. Henriksen moved to accept CUP 969 subject to the following conditions:

1. Compliance with all federal, state, and local regulations.
2. Compliance with the application materials as submitted and presented.
3. The conditional use shall be in compliance with §4.05.08 of the Latah County Land Use Ordinance, as amended which states:
 1. All towers must be built so as to allow for a total of at least three wireless telecommunication providers on the tower. The Zoning Commission may waive this requirement if greater consistency with the Latah County Comprehensive Plan may be achieved thereby.
 2. All towers must be set back a minimum of 150% the height of the tower from any public road, public right-of-way or property line, and a minimum of 1,000 feet from any residence or commercial building. If consents pursuant to Section 4.05.06.2.B.9 are filed with the Planning Department, the Zoning Commission may waive such setbacks. Setbacks from any public road or public right-of-way shall not be waived.
 3. If equipment enclosures will be located on the ground, a six to seven foot high fence of wood, masonry or privacy slats completely surrounding the equipment enclosure is required to secure and screen the equipment and structure.
 4. A warning sign no larger than three square feet and no smaller than two square feet must be placed on the fencing access/gate. It must contain the name of the owner and operator of the facility, and a phone number for cases of emergency as well as any other information required by law.
 5. Any tower/structure shall be finished in a non-reflective neutral color or as otherwise

specified by the Zoning Commission.

6. No ladder rungs or climbing pegs on towers shall be allowed within 20 feet of the ground.
7. No towers with guy wires are allowed.
8. No lighting of antennas or antenna support structures except as required by the Federal Aviation Administration. The maximum tower lighting is a low intensity red light as defined by the Federal Aviation Administration.
9. Transmission towers and all accompanying equipment enclosures or ancillary facilities shall be camouflaged to fit into their immediate surroundings at the discretion of the Zoning Commission.
10. Prior to turning on or using the antenna(s), the applicant must submit documentation demonstrating the provider is licensed in good standing by the Federal Communications Commission (FCC).
11. Compliance at all times with any applicable laws or regulations including the Latah County Zoning Land Use Ordinance.
12. All applicants granted a permit under this Section shall cooperate and negotiate in good faith with other providers or tower owners in efforts to co-locate. Such good faith shall include sharing technical information to evaluate the feasibility of co-location. Such technical information is limited to necessary information to evaluate the feasibility of colocation.
 - A. If a provider is denied the opportunity to co-locate by a tower owner or operator with a conditional use permit granted under Section 4.05, the denied party shall obtain a technical study showing whether co-location is possible from an independent third party prior to consideration for a permit. If the study concludes co-location may occur without impairment to the existing operator(s), the tower owner shall be charged the expense of the study and co-location shall be permitted at a reasonable fee.
 - B. In the event that the parties are unable to agree as to what is fair market value, the parties shall notify the Planning Department of such in writing and shall then select a certified general appraiser in the State of Idaho to determine the fair market value and notify the County of the same within 30 days. If the parties do not agree on the selection of an appraiser and so notify the Planning Department, the Planning Department may arrange for an appraiser, at the expense of both parties. The determination of fair market value by any such appraiser shall be binding on the parties.
 - C. Failure of a tower owner to allow co-location at a reasonable fee and on reasonable terms shall result in the immediate revocation of the owner's conditional use permit.
13. The existing private access used to access the tower site must be returned to its preconstruction condition

14. The additional road built to access the site must be contained on 39.8 acre parcel owned by Byron Hayhurst.

15. Noxious weeds shall be controlled in any area disturbed by construction.

Seconded by R. Parker

Action: Approved. Yes: 3 No: 0 Abstain: 0

CUP #792D - A request by Verle Koehn to amend CUP #792C to amend the previously approved CUP to include an additional 5.5 acres for stock piling only to the previously approved mineral resource development located in the Agriculture/Forest zone. The property is accessed off of Highway 9, approximately 2.5 miles south of the unincorporated town of Harvard, Idaho. The property is located in Sections 20 and 21, Township 41 North, Range 03 West, B.M. in Latah County and referenced as Latah County Assessor's parcel number RP41N03W207262A, RP41N03W201942A and RP41N03W215561.

Opened Public Hearing: 18:10 – Staff Report by M. Knott

Open to Public Comment: 18:13 – Applicant representative testified.

Closed to Public Comment: 18:25

Motion: R. Parker moved to accept CUP #792D subject to the following conditions:

1. Compliance with all federal, state, and local regulations.
2. Compliance with the application materials as submitted and presented.
3. Compliance with the previously approved Findings of Fact and Conclusions of Law from CUP 792C and RC 955.

Seconded by B. Henriksen

Action: Approved. Yes: 3 No: 0 Abstain: 0

Adoption of Minutes: January 06, 2016

Motion: B. Henriksen moved to accept as written, seconded by R. Parker.

Action: Approved Yes: 3 No: 0 Abstain: 0

Recessed: 18:34

Called to Order: 1840

Findings of Fact: VAR 968 and CUP 969

Motion: N. Largent moved to accept Findings of Fact for VAR 968 as written, seconded by R.

Parker.

Action: Yes: 3 No: 0 Abstain: 0

Motion: N. Largent moved to accept Findings of Fact for CUP 969 as written, seconded by R. Parker.

Action: Yes: 3 No: 0 Abstain: 0

Meeting Adjourned by Patrick Wilson at 1845

Respectfully submitted,
Rodney Parker