



AGENDA
PAYETTE PLANNING & ZONING COMMISSION
August 28, 2016
REGULAR MEETING

CHAIRMAN RANDY CHOATE PRESIDING

JIM FRANKLIN PEGGY CHILDERS
JODY HENDERSON RON WALLACE
NIAL BRADSHAW GARY YOUNGBERG

6:00 PM – Regular Meeting

- I. ROLL CALL
- II. APPROVAL OF MINUTES
 - A. 07-25-2016 Regular Meeting Minutes
- III. COMMUNICATIONS
- IV. PUBLIC HEARING
 - A. An application by ABC Storages for a Conditional Use Permit to occupy existing living space for onsite manager at the property located at 1105 S. Main St., Westslope Tax 157 in BLK 39. The property is zoned C2 Commercial.
- V. AGENDA ITEMS
 - A. An application by ABC Storages for a Conditional Use Permit to occupy existing living space for onsite manager at the property located at 1105 S. Main St.
 - B. Non- Conforming Lots discussion
 - C. Utility Pole Heights discussion
- 33
- VI. PUBLIC COMMENT
- VII. ADJOURNMENT

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

MINUTES
PAYETTE PLANNING & ZONING
Regular Meeting
July 28, 2016

6:00 PM – Regular Meeting

- I. ROLL CALL: Jim Franklin, Jody Henderson, Peggy Childers and Nial Bradshaw
Members Absent: Chairman Randy Choate, Gary Youngberg, Ron Wallace.
Staff Present: Mary Cordova & Matea Gabiola

II. APPROVAL OF MINUTES

A. 06-23-2016 Special Meeting

A motion was made by Henderson and seconded by Bradshaw to approve the minutes of 06-23-2016 Regular Meeting as written.

After unanimous voice vote, motion CARRIED

III. COMMUNICATIONS

None

IV. PUBLIC HEARING

- A. An application by Farmers Mutual Telephone Company for a Conditional Use Permit to construct a 100-foot communication tower on the existing lot for the property located at 1171 1st Ave North AKA 1130 3rd Ave North, SEC 34-9-5 REV TAX 6, BLK 6 IN SWNW COURTHOUSE. The property is zoned A- Residential.

Dan Greig, 139 SW 3rd St, Fruitland, ID, addressed the Commission. Mr. Greig is the General Manager for Farmers Mutual Telephone Company, and they are wanting to construct a 100-foot communication tower on the existing lot behind the County Courthouse. Farmers Mutual already has a building on this lot that services the Payette County Courthouse, and adding this pole would broaden the service lines that they are able to provide. Mr. Greig stated that his company keeps getting requests to provide higher speed internet for Wi-Fi. The tower that is in Fruitland doesn't reach the Payette area very well and having this pole would up the internet speed. It also would give Farmers Mutual the ability to offer internet services to the Payette Schools. Mr. Franklin asked Mr. Greig if the area is already fenced in. Mr. Greig stated no, but the tower will be fenced in. Mr. Franklin asked what type of fence will be used. Mr. Greig stated chain-link fencing. Mr.

Franklin asked if Mr. Greig knew if any utility right-of-way's that could be affected with the tower there. Mr. Grieg stated on the south end of the lot there is a conduit system that CenturyLink owns, but other than that none should be effected. Mr. Franklin asked if Mr. Grieg had any concerns about the tower impeding the site triangle. Mr. Greig stated no, due to this tower being built in the back corner of the lot. Mr. Bradshaw asked if there was going to be any flashing lights on top of this tower. Mr. Greig stated no, anything over 200 feet by federal regulations has to have flashers, but this tower will only be 100 feet.

- B. An application by Ron Owen for a Conditional Use Permit to have temporary storage containers/ units for up to no more than 180 days for the property located at 15 North 9th Street, GORRIE ADD TAX 2, BLK 1. The property is zoned C1- Commercial Downtown.

Ron Owen, 2141 Uehlin Drive, Payette, ID, addressed the Commission. Mr. Owen purchased the property at 15 North 9th Street and is making a man cave for his own personal use. Mr. Owens stated during his clean-up and construction phase he has two storage units to store his property, they are going to be temporary not permanent. Mr. Franklin asked Mr. Owen if the site triangle would be impeded with these containers. Mr. Owen stated no they are set far back out of site. Mr. Franklin asked Mr. Owen is he would have any problem with the conditions of his permit being that utility services and a site triangle can't be impeded. Mr. Owens stated that was fine.

- C. Liquor Locations – Amending the Payette Municipal Code section 17.32.030 in Chapter 17.32 of Title 17, 17.34.030 in Chapter 17.34 of Title 17, and 17.36.060 in Chapter 17.36 of Title 17 by allowing licensee to operate upon existing licensed premises without obtaining a conditional use permit.

No one was in attendance to speak on this item.

- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.

No one was in attendance to speak on this item.

- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.

No one was in attendance to speak on this item.

Public Hearing closed at 6:13 pm.

V. AGENDA ITEMS

- A. An application by Farmers Mutual Telephone Company for a Conditional Use Permit to construct a 100-foot communication tower on the existing lot for the property located at 1171 1st Ave North AKA 1130 3rd Ave North.

A motion was made by Bradshaw and seconded by Henderson to approve the Conditional Use Permit for Farmers Mutual Telephone Company to construct a 100 – foot communication tower at the property located at 1171 1st Ave North AKA 1130 3rd Ave North with the following conditions:

1. Doesn't impede the site triangle.
2. Meets fencing requirements
3. Utility services access maintained & not impeded.
4. Comply with Local, State & Federal regulations.
5. Revisited upon complaint.

After unanimous voice vote, motion CARRIED

- B. An application by Ron Owen for a Conditional Use Permit to have temporary storage containers/ units for up to no more than 180 days for the property located at 15 North 9th Street.

Ms. Cordova suggested extend the 180 days of use to 1 year, due to that fact that the 180 days expires in December. Mr. Franklin stated that he sees no problem in this due to the fact that no one was in attendance to testify against it.

A motion was made by Henderson and seconded by Childers to approve the Conditional Use Permit for Ron Owen to have temporary storage unit/ containers for the property located at 15 North 9th Street with the following conditions:

1. Permit not to exceed 1 year as of this meeting date.
2. Containers remain out of the site triangle
3. Containers area remain clean and free of debris
4. Utility service access not impeded and maintained
5. Will be revisited upon complaint

After unanimous voice vote, motion CARRIED

- C. Liquor Locations – Amending the Payette Municipal Code section 17.32.030 in Chapter 17.32 of Title 17, 17.34.030 in Chapter 17.34 of Title 17, and 17.36.060 in Chapter 17.36 of Title 17 by allowing licensee to operate upon existing licensed premises without obtaining a Conditional Use Permit.

The Planning & Zoning Commission recommended their suggested changes to the City code as drafted in the ordinance.

A motion was made by Bradshaw to send a favorable recommendation to City Council to modify Ordinance 1410, to add the language as written in draft. The motion was seconded by Henderson.

After unanimous voice vote, motion CARRIED

- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.

Ms. Cordova stated the intent of eliminating a non-conforming use is to eventually become a conforming use, this is State statute, but unfortunately lenders on home loans don't like that. In the event of a lender requesting a rebuild letter the City cannot provide one, due to current zoning standards. This would eliminate that issue and make it easier for home buyers. Ms. Cordova stated by the City adding this language and the if home meets the listed three requirements, they would be allowed to rebuild on the same footprint within a year. The three requirements are what type of development is surrounding this property and, does the property owner have approval from the majority of the surrounding property owners, and if the abutting property owners approve there needs to be documentation. Ms. Childers asked what was meant by the majority, is it all of abutting property owners or 2/3 majority. Ms. Cordova stated it needs to be simply majority, example would be if there are four property owners the applicant would need to have documentation and approval by at least three. Mr. Bradshaw likes this idea and believes that the City shouldn't hinder any type of home buying.

A motion was made by Henderson to send a favorable recommendation to City Council modify Ordinance 1412, to add the language as written in draft. The motion was seconded by Childers.

After unanimous voice vote, motion CARRIED

- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.

Mr. Franklin asked Ms. Cordova if anyone has asked to do a sidewalk café before. Ms. Cordova said yes, with a Special Events permit, but not on a permanent basis. This would only allow this type of use in C-1 Commercial District, to potentially draw in more business. The only thing that the Planning & Zoning Commission is changing tonight is making this type of use a permitted use.

A motion was made by Henderson to send a favorable recommendation to City Council to modify Ordinance 1411, to add this as a permitted use in PMC 05.12.015. The motion was seconded by Bradshaw.

After unanimous voice vote, motion CARRIED

- F. Source Water Protection Ordinance- Mr. Franklin wanted to recap that this ordinance is to protect our City wells, and this is very important for our community. Ms. Cordova stated that this ordinance is a model that the Association of Idaho Cities put out and to use as a template to build upon for each individual City and its needs. Ms. Henderson stated that she likes the idea of a surety bond, in case of any damage that is made to the City wells, there is liability on the business owner. The Planning and Zoning Commission went through the highlighted areas in the draft ordinance. Ms. Cordova stated that the highlight areas in each tier could be prohibited uses under this ordinance. Mr. Franklin stated that the water in Payette is both high and deep, so he would like to see injection wells prohibited all together in any tier. The Commission discussed petroleum wells, and whether or not to allow them in any tier. Mr. Bradshaw stated that he would hate to deter any development coming into Payette, but possibly putting perimeters on that type of use would help protect the wells and also have another business in this area. Ms. Henderson stated one perimeter could be a footage requirement, meaning this type of use can't be within a certain amount of footage of a City well head. Ms. Childers stated that she believes drilling sites shouldn't be permitted in any tier. So she suggested to add number 11 & 12 in section A to section B as well. Ms. Cordova stated if any of these businesses wanted to develop in those tiers and that is a prohibited use, they could have the ability to appeal before the Planning & Zoning Commission as well as the Council. Ms. Henderson stated then in Section C #5 it states if a permit is denied then an appeal to administration would be conducted. It would need to be changed to Planning & Zoning Commission. Ms. Childers stated that phrase would need to be changed in all sections. Ms. Cordova wanted to remind the Commission that some of the outer tiers are located in the County and they would have jurisdiction, but this would give the City a tool

to have a say in it. Mr. Bradshaw appreciates the City for being proactive in wanting to protect its citizens and its water supply. He believes that the oil and gas industry may be on the rise in this area, so having this in place is a good idea.

A recommendation was made by Childers to the City Council to consider the Source Water Protection Ordinance with the changes discussed. It was seconded by Bradshaw.

- A. PUBLIC COMMENT
None
- B. ADJOURNMENT

A motion was made by Henderson and seconded by Bradshaw to adjourn the meeting at 6:54 PM.

After unanimous voice vote, motion CARRIED.

Matea Gabiola
Recording Secretary



NOTICE OF PUBLIC HEARING

The Payette City Planning & Zoning Commission will be conducting a Public Hearing during a regular scheduled meeting to receive input concerning the following requests:

A. An application by ABC Storages for a Conditional Use Permit to occupy existing living space for onsite manager at the property located at 1105 S. Main St., Westslope Tax 157 in BLK 39. The property is zoned C2 Commercial.

The Public Hearing on the above requests will be held **August 25, 2016 at 6:00 PM**, or shortly thereafter, in the Payette Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing item and will be given the opportunity to be heard in support of, or in opposition to the proposal. The Public is invited and encouraged to attend.

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

Matea Gabiola, Administrative Assistant

STAFF REPORT

P&Z Public Hearing Date: August 25, 2016

Applicants Name: ABC Storages

Describe Request: Conditional Use Permit – to occupy existing living space for onsite manager.

Property Zoned: C-2 Commercial

Address: 1105 South Main Street

Property Size: 4.48 acres

Access: South Main Street

Structures: Commercial

Comp Plan: Commercial

Surrounding Uses: B- Residential, Commercial & Industrial

Employees: On-site Manager

Hours:

Sign:

Payette City Code:

17.32.030: CONDITIONAL USES:

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special conditions as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Uses permitted in A residential districts and in B residential districts. Any permitted residential use shall meet the residential zoning standards as specified in the A residential and B residential zoning regulations.

Churches.

Dance halls.

Drinking establishments that serve beer, wine or liquor for on site consumption.

Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.

Manufactured home parks. Because of increased residential density in a manufactured home park, commercial uses allowed in commercial zones will not be permitted within a manufactured home park.

Residential use directly connected to the business including, but not limited to, motel residences, security housing, office/residence setups. Such residences shall meet all standards for residences as specified in the B residential district.

Warehouses used for storage of merchandise that is sold at retail on the premises to the ultimate consumer, excluding mail order warehouses.

Warehouses used for storage of personal property not intended for sale. (Ord. 1330, 2010)

. Minimum Lot Size: There shall be no minimum lot size in the C-2 commercial district. (Ord. 1204, 2002: Ord. 1066 § 1, 1993: prior code § 11-9-1(B))

17.36.050: BUILDING AND USE RESTRICTIONS GENERALLY:

- A. No window or door while in an open position or during opening shall project into any street or alley
- B. For each six thousand (6,000) square feet of floor space, two (2) off street loading zones of at least three hundred fifty (350) square feet each shall be provided on the property. In addition, for each ten thousand (10,000) square feet of open shed or yard used for storage, one loading zone of at least three hundred fifty (350) square feet shall be provided on the property. All other parking requirements are addressed in [chapter 17.72](#) of this title.
- C. Location and size of curb cuts and driveways shall be approved by the city council; provided, however, that any curb cut or driveway greater than twelve feet (12') in width will be permitted only if public parking space is provided within three hundred feet (300') equal to the number of parking spaces removed from public use by such curb cut or driveway.
- D. All uses permitted in C commercial districts shall be allowed in C-2 commercial districts; provided, however, that C-2 commercial districts shall be primarily for the purposes of commerce or industry. (Ord. 1204, 2002: Ord. 1066 § 1, 1993: prior code § 11-9-1(C))

Staff Recommendation:

1. If approved applicant must follow Federal, State & Local regulations.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received 7/29/14

Fees Paid Y / N

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name ABC Storages Address 1105 S. Main St.
City Payette State ID Phone 208-941-3000

Owner

Name ABC West LLC Address 1072 S. Arbor Island Way
City Eagle State ID Phone 208-859-0417

Property Covered by Permit

Address 1105 S. Main St. Zone _____

Legal Description (Lot, Block, Addition, Subdivision)

Nature of Request (Briefly explain the proposed use)

Occupancy permit for onsite manager

Existing use of property

Storage unit

Will this have an impact on schools?

NO

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

100 gal/month yes.

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

20 gal/month NO

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

1 car private vehicle

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

9:00 to 6:00 pm

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

NA

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

1 single adult.

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

City fire with proper access

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

NA

9. Where will solid waste generated be stored? Is access adequate for the City collection?

City Sewer

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

Single resident

11. What type of equipment will be used in the conduct of the business?

office

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance?

NA

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NA

14. Will the parking lot or other outdoor areas have lighting?

Yes

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

NA

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

NA

17. What, if any, signage is anticipated in connection with the proposed usage?

NA

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

Lita West

Applicant's Signature

7/14/16

Date



Instrument # 403437
 PAYETTE COUNTY
 2016-07-08 03:57:31 PM No. of Pages: 2
 Recorded for: AMERITITLE PAYETTE
 BETTY J DRESSEN Fee: \$13.00
 Ex-Officio Recorder Deputy Julie Anderson
 Index To: WARRANTY DEED
 Electronically Recorded by Simplifile

WARRANTY DEED

Order No.: 101780AM

FOR VALUE RECEIVED

Keith Clow, a married man as his sole and separate property

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

ABC West, LLC, an Idaho limited liability company

whose current address is:
 PO Box 1930
 Jacksonville, OR 97530

the grantee(s), the following described premises, in Payette County, Idaho, TO WIT:

See Exhibit "A" Attached

AS PART OF AN IRC 1031 TAX DEFERRED EXCHANGE. THIS IS THE REPLACEMENT PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 7, 2016

Keith Clow
 Keith Clow

State of ID } ss
 County of Payette}

On this 8th day of July, 2016, before me, Kerry Frye a Notary Public in and for said state, personally appeared Keith Clow, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kerry Frye
 Notary Public for the State of ID
 Residing at: Fruitland ID
 Commission Expires: May 20, 2022



ABC WEST LLC
 PO BOX 1930
 JACKSONVILLE, OR 97530
 WESTSLOPE TAX 157 IN BLK 39 SEC 3-8-5

Neighborhood Number
 10040

Neighborhood Name
 P-4

TAXING DISTRICT INFORMATION
 Jurisdiction Name Payette
 Area 001
 District 001-00
 Census Tract 0

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
CLOW KEITH	0	07/08/2016	WD 403437	Fu
CLOW KEITH	0	11/01/2007	QC 349157	QC
GOFF	0	07/09/2003	COR	WD
GOFF, JIM L ET AL % GOFF, VIRGIL	0	12/06/1999	285091	

Valuation Record

Assessment Year	2011	2012	2013	2013	2014	2015	2016
Reason for Change		03 - Assessor 01 - Revaluat	60 - Occ Real	02 - Assessme	02 - Assessme	02 - Assessme	02 - Assessme
MARKET VALUE	L 25130 I 565110 T 590240	38660 565110 603770	38660 614050 652710	38660 604820 643480	38666 604824 643490	38666 604824 643490	78237 614727 692964

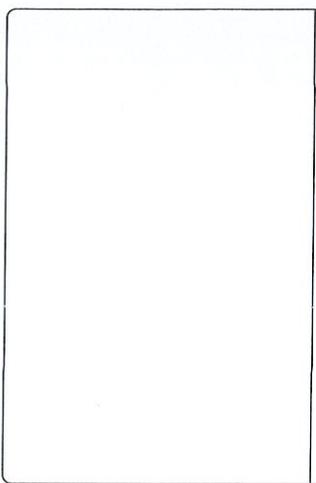
Site Description
 Topography
 Public Utilities
 Street or Road
 Neighborhood
 Zoning:
 Legal Acres:
 4.4800



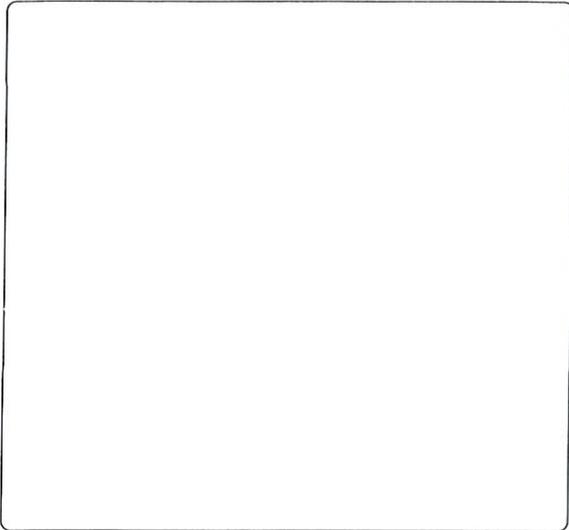
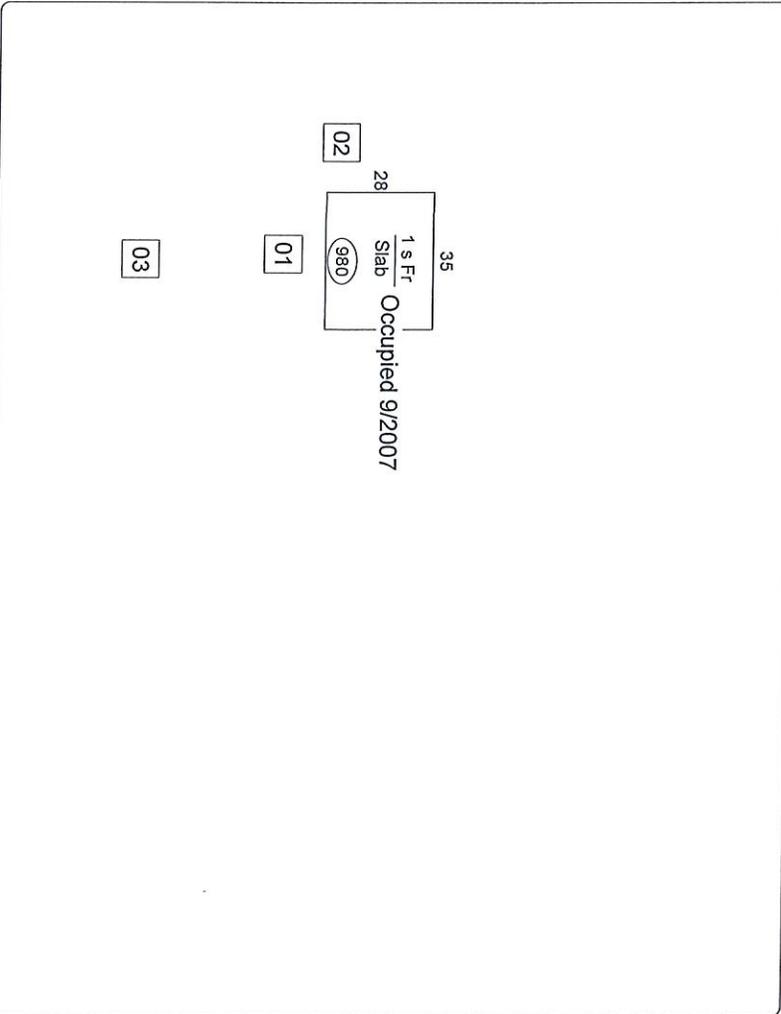
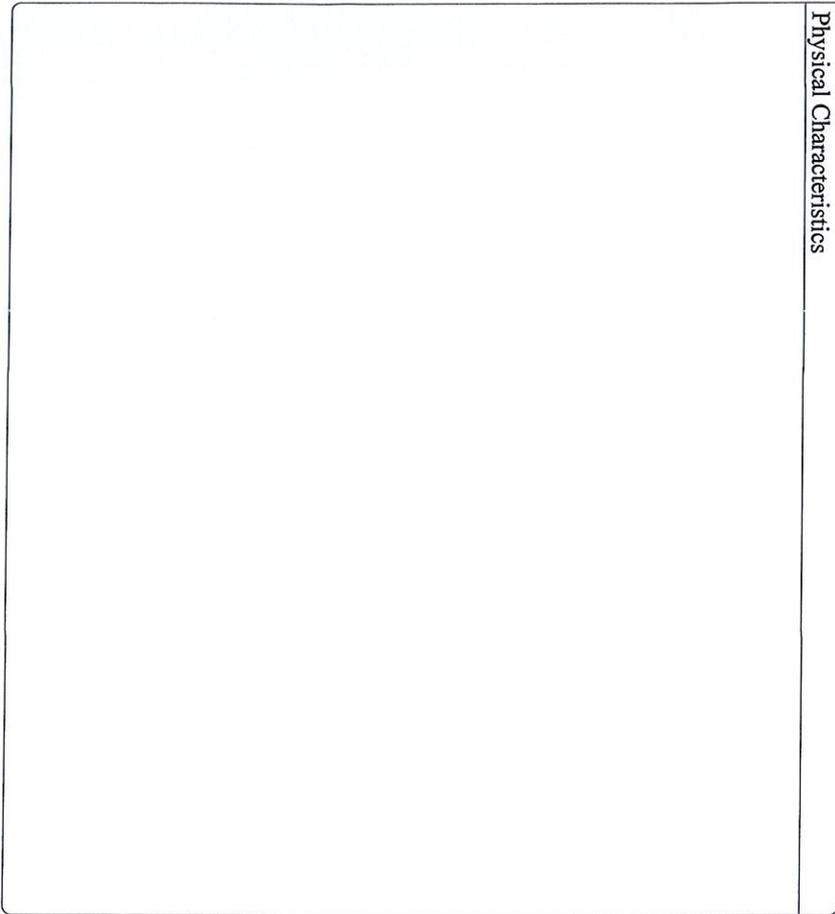
Land Size		Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Land Type	Primary Commercial/Indust Land	315.6	315.6	634.0	L -10%

Transfer of Ownership

Valuation Record									
Assessment Year									
Reason for Change									
MARKET VALUE	L								
	I								
	T								

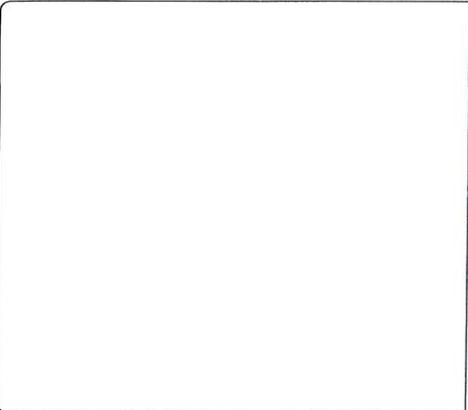


Land Size				
Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor	
Land Type				



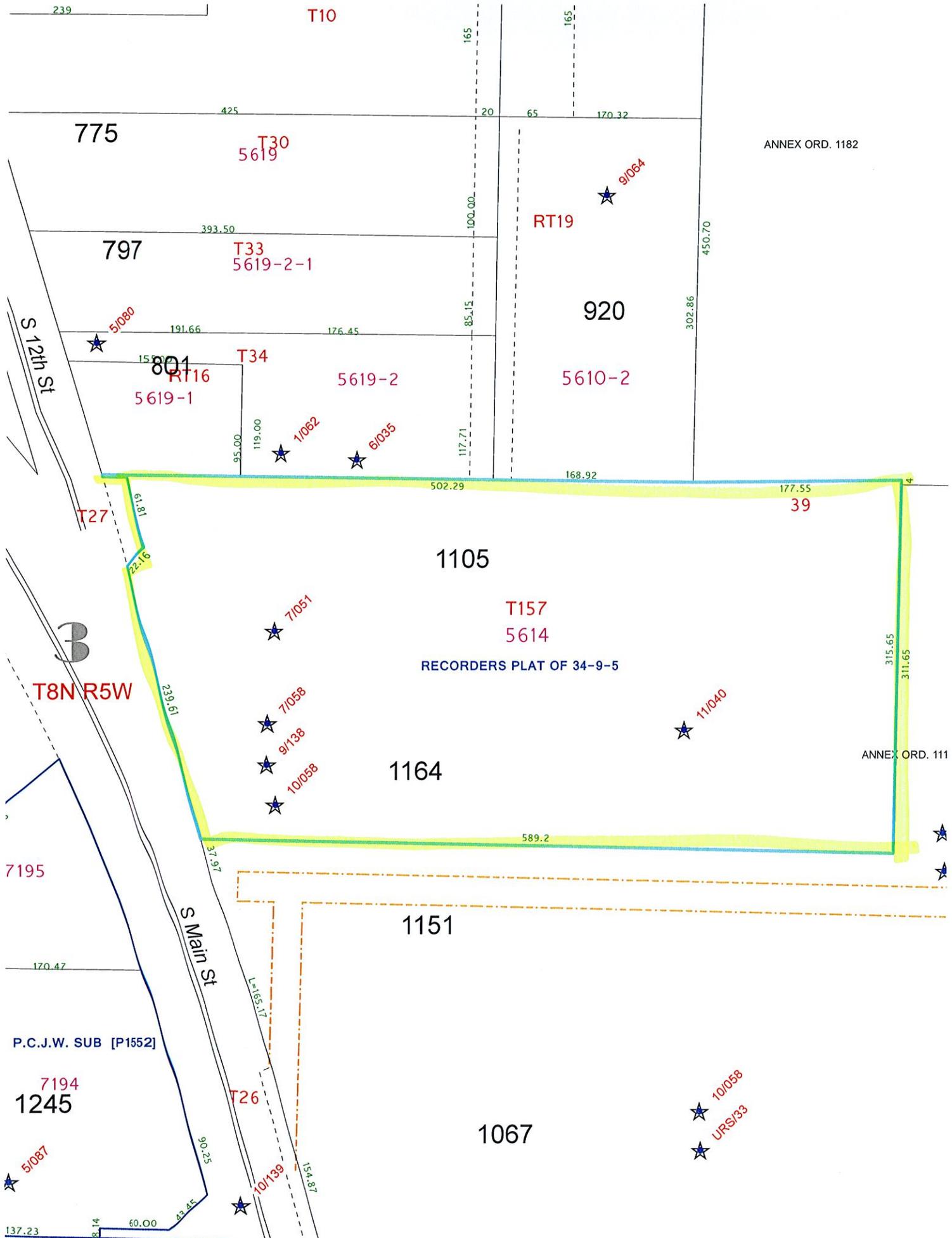
Special Features

Description



Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
C	GENOFP	0.00		Fair	2007	2007	AV	980
01	PAVING	3.00	85	AVG	2007	2007	AV	18x 35
02	PAVING	3.00	85	AVG	2007	2007	AV	18x 28
03	PAVING	3.00	6	AVG	2007	2007	AV	20x148



ANNEX ORD. 1182

RECORDERS PLAT OF 34-9-5

ANNEX ORD. 111

T10

T30
5619⁰

RT19

T33
5619-2-1

920

T34

5619-2

5610-2

RT16
5619-1

1082

61035

1105

T157
5614

T8N R5W

RECORDERS PLAT OF 34-9-5

111040

1164

7195

1151

P.C.J.W. SUB [P1552]

7194
1245

T26

1067

101058
URS/33

239

165

165

425

20

65

170.32

775

393.50

100.00

797

191.66

176.45

85.15

S 12th St

801

RT16
5619-1

119.00

117.71

450.70

302.86

502.29

168.92

177.55

39

T27

61.81

22.16

1105

71051

71058

91138

101058

315.65

311.65

ANNEX ORD. 111

589.2

37.97

170.47

S Main St

L=165.17

7194
1245

T26

1067

101058
URS/33

137.23

8.14

60.00

43.45

9.0-2-25

101139

154.87

Chapter 17.22

PERSONAL WIRELESS FACILITIES, SPIRES, POLES, ANTENNAS, STEEPLES, TOWERS, AND OTHER SUCH STRUCTURES

17.22.010: PURPOSE:

- A. To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, regulations regarding personal wireless facilities, spires, poles, antennas, steeples, towers, and other such structures are necessary in order to:
1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;
 2. Minimize adverse visual effects of spires, poles, antennas, steeples, towers, and other such structures through careful design and siting standards;
 3. Avoid potential damage to adjacent properties from spire, pole, antenna, steeple, tower, and other such structures' failure, through structural standards and setback requirements; and
 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community. (Ord. 1070, 2010)

17.22.020: TOWERS IN ZONING DISTRICTS:

A. Residential (R) Districts:

1. On residentially zoned parcels, towers supporting amateur radio antennas shall not be permitted in the front, side or street side yard.
2. Personal wireless facilities shall be prohibited in all residential (R) zones.

B. PS (Public/Semipublic) District:

1. Wireless antennas may be permitted to be attached to existing light standards and power line support devices (or replacement equivalent of same height) provided, however, the antenna(s) are either flush mounted or mounted in a manner that provide minimum visual impact. Notwithstanding the foregoing, all provisions of this subsection shall be applicable to wireless antennas located on existing light standards and power line support devices. (Ord. 1070, 2010)

17.22.030: COLLOCATION REQUIREMENTS:

- A. A proposal for a new commercial wireless telecommunication service tower in excess of thirty five feet (35') in height shall not be approved unless the commission finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following radius of the proposed tower:
 1. A two (2) mile radius for towers with a height over one hundred ten feet (110').
 2. A one mile radius for towers with a height over eighty feet (80') but not more than one hundred ten feet (110').
 3. A one-half ($1/2$) mile radius for towers with a height over fifty feet (50') but not more than eighty feet (80').
 4. A one-fourth ($1/4$) mile radius for towers with a height over thirty five feet (35') but not more than fifty feet (50').
- B. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an approved tower or building within the required search radius due to one or more of the following reasons:
 1. Unwillingness of another tower or facility owner to entertain shared use.
 2. The proposed collocation of an existing tower or facility would be in violation of any local, state or federal law.
 3. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 4. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

5. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 6. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
- C. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height, for at least one additional user if the tower is over fifty feet (50') in height.
- D. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- E. Personal wireless facilities proposed at a location which has an approved special use permit (approved after the effective date hereof) for an existing facility which was required to allow collocation shall not be required to obtain a separate special use permit as long as all the requirements of the previously approved special use permit will be complied with. Design review, and subsequent building permit, will be required for any such proposal. (Ord. 1070, 2010)

17.22.040: TOWER AND ANTENNA DESIGN REQUIREMENTS:

- A. All personal wireless facilities shall be required to obtain design review approval prior to construction.
- B. Towers and antennas shall be required to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration.

- C. Personal wireless facility towers shall be of a monopole design unless the commission determines that an alternative design would better blend into the surrounding environment.

- D. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.

- E. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons. The climbing pegs within the bottom twenty feet (20') of the tower shall be removed and shall only be used when the tower is being serviced.

- F. Metal towers shall be constructed of, or treated with, corrosive resistant material.

- G. Wood poles shall be impregnated with rot resistant substances. (Ord. 1070, 2010)

17.22.050: TOWER SETBACKS:

- A. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

- B. If the tower does not exceed the height limitations of the zone in which it is located, the tower shall meet the setback requirement of the zone of this section. If the tower exceeds the height limit of the zone in which it is located, the tower shall be set back one foot (1') for every ten feet (10') in total tower height. In either case, 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. Otherwise, the tower shall be located a minimum of one foot (1') for each foot of height from all property lines (the fall zone). No storage or structures other than the accessory utility buildings, are permitted in the fall zone, except as may be specifically permitted by the commission through a special use process.

- C. Towers shall be set back from all existing public right of way lines (or planned right of way lines if additional height is to be acquired in the future) by a minimum distance equal to twice the height of the tower including all antennas and attachments. If this requirement conflicts with other setback requirements of this code the setback with the greater distance shall prevail, except as may be allowed in subsection E of this section.
- D. Towers shall not be located between a principal structure and a public street.
- E. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the commission, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure. (Ord. 1070, 2010)

17.22.060: TOWER LIGHTING, SIGNAGE, AND ATTACHMENTS:

- A. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any stationary lights, strobe lights, reflectors, flashers, or other illuminating device, except as specifically required by the federal aviation administration, federal communications commission, or other federal or state authority.
- B. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower if approved by the commission.
- C. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
- D. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. (Ord. 1070, 2010)

17.22.070: AMATEUR RADIO ANTENNAS:

- A. In accordance with the federal communications commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed thirty feet (30') in height provided that a determination is made by the city that the proposed tower height is technically necessary to successfully engage in amateur radio communications. A special use permit is required for any amateur radio antenna in excess of thirty five feet (35'). (Ord. 1070, 2010)

17.22.080: ACCESSORY UTILITY BUILDINGS:

- A. All utility buildings and structures accessory to a tower are required to have design review approved by the city prior to construction. (Ord. 1070, 2010)

17.22.090: ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS:

As a condition of approval of any required special use permit for personal wireless facilities, all abandoned or unused towers and associated facilities shall be required to be removed within sixty (60) days of cessation of use as a personal wireless facility unless a time extension is granted by the city. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a personal wireless facility, shall be submitted at the time of application. In the event that the tower and associated facilities are not removed within the sixty (60) days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property. (Ord. 1070, 2010)

17.22.095: PRIORITIES:

- A. Priority Of Location: The following establishes the order of priorities for locating new communications facilities:
1. Place antennas and towers in districts zoned light industrial (M-1).
 2. Place antennas and towers in districts zoned central business district (CBD) which do not adjoin or adversely impact residential neighborhoods.

3. Place antennas on appropriate existing structures, such as buildings, communications towers, water towers, and smokestacks in other zoned districts.
4. Place antennas and towers on other private nonresidential property.
5. Place antennas and towers in residential districts only if locations for which a need has been demonstrated are not available on existing structures or in nonresidential districts.
6. Place antennas and towers on public property.

An applicant for a new antenna support structure to be located in a residential zoning district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government structure, a private institutional structure, or other appropriate existing structures within a nonresidential zoning district, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available. The telecommunications company is required to demonstrate that it contacted the owners of tall structures within a one mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicant's network, and an evaluation of existing buildings taller than twenty feet (20'), communications towers and water tanks within one mile of the proposed tower.

B. Priority Of Users: Priority for the use of city owned land for antennas and towers will be given to the following entities in descending order:

1. City of Jerome;
2. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the city and private entities with a public safety agreement with the city;
3. Other governmental agencies, for uses which are not related to public safety; and
4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

C. Minimum Requirements: The placement of antennas or towers on city owned property must comply with the following requirements:

1. The antennas or tower will not interfere with the purpose for which the city owned property is intended;

2. The antennas or tower will have no adverse impact on surrounding private property;
3. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fees shall be established by the council after considering comparable rates in other cities, potential expenses, risks to the city, and other appropriate factors;
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the costs of antenna or tower's removal;
5. The antennas or tower will not interfere with other users who have a higher priority as discussed in subsection B of this section;
6. Upon reasonable notice, the antennas or tower may be required to be removed at the user's expense;
7. The applicant must reimburse the city for any costs which it incurs because of the presence of the applicant's antennas or tower;
8. The user must obtain all necessary land use approvals; and
9. The applicant will cooperate with the city's objective to promote collocations and thus limit the number of separate antenna sites requested.

D. Special Requirements: The use of certain city owned property, such as water tower sites, for antennas or towers brings with it special concerns due to the unique nature of these sites. The placement of antennas or towers on these special city owned sites will be allowed only when the following additional requirements are met:

1. Water Tower Or Reservoir Sites: The city's water towers and reservoirs represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the city's water supply is of prime importance to the city. As access to the city's water storage systems increases, so too increases the potential for contamination of the public water supply. For these reasons, the placement of antennas or towers on water tower or reservoir sites will be allowed only when the city is fully satisfied that the following requirements are met:
 - a. The applicant's access to the facility will not increase the risks of contamination to the city's water supply;
 - b. There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;
 - c. The presence of the facility will not increase the water tower or reservoir maintenance cost to the city; and
 - d. The presence of the facility will not be harmful to the health of workers maintaining the water tower or reservoir.

E. Application Process: All applicants who wish to locate an antenna or tower on city owned property must submit to the administrator a completed application and detailed plan that complies with the submittal requirements of this chapter, this title, and other provisions of this code, along with other pertinent information requested by the city.

F. Termination: The council may cancel any lease if it determines that any one of the following conditions exist:

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;
2. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis; or
3. A user violates any of the standards in this chapter or the conditions attached to the city's lease or other authorization.

Before acting, the city will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for the user to address the council regarding the proposed action. This procedure need not be followed in emergencies.

G. Reservation Of Right: Notwithstanding the above, the council reserves the right to deny, for any reason, the use of any or all city owned property by any one or all applicants. (Ord. 1070, 2010)

17.22.100: ADDITIONAL APPLICATION SUBMITTAL REQUIREMENTS:

A. In addition to the information required elsewhere in this title, development applications for personal wireless facilities, shall include the following supplemental information:

1. Documentation from a qualified and licensed professional engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
2. A report from a qualified and licensed professional engineer which describes the tower height and design (including a cross section and elevation); documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas; describes the tower's capacity, including the number and type of antennas that it can accommodate; documents what

steps the applicant will take to avoid interference with established public safety telecommunications; includes an engineer's stamp and registration number; and includes other information necessary to evaluate the request.

3. For all personal wireless facilities, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower, as required by this code, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
4. Documentation showing that the proposed tower complies with regulations administered by the federal aviation administration.
5. Written approval of the site location with specific reference to the height of the antenna structure and any lighting issues, from the federal aviation administration, the chief of the Idaho bureau of aeronautics, and the Boise airport commission and an aviation easement approved by the Boise airport commission.
6. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
7. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. For the purposes of this subsection, the analysis shall include all properties within the search radii stated above. The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area, including topography;
 - b. Natural and manmade impediments that would obstruct adequate cellular telephone transmissions;
 - c. Physical site constraints that would preclude construction of a cellular telephone facility on any other site;
 - d. Technical limitations of the system that limit siting options. (Ord. 1070, 2010)

17.22.110: PERMITS:

- A. It shall be unlawful for any person to erect, construct, reerect, or replace, any tower without first making application to the city and securing a building/zoning permit.
- B. A building/zoning permit shall not be required for antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote

pick up operations. Temporary antennas shall be permitted for a maximum of seventy two (72) hours unless specifically approved otherwise by the commission.

- C. In addition to the findings required and conditions permitted for special use permits, in [chapter 17.60](#) of this title, the commission shall make an additional finding concerning the duration of the special use permit. Upon finding that the special use permit is to be limited in duration, a condition limiting the duration and the basis for such a condition shall be included within the findings of fact and conclusions of law for the special use permit. (Ord. 1070, 2010)

17.22.120: ADDITIONAL REQUIREMENTS FOR NOTICE OF PUBLIC HEARING:

- A. All personal wireless facilities requiring a special use permit shall comply with the special use notice requirements within this code with the following additional requirements:
1. All property owners within five hundred feet (500') of an R-1, R-2, R-3, R-M and C-1, C-2, C-3, CBD, NS seven hundred fifty feet (750') BP, PS, MU, AB, one thousand feet (1,000') and M-1, M-2 one thousand five hundred feet (1,500') of all property lines of the site (or lease boundary lines, if applicable) shall be notified of the public hearing by the city, by mail, a minimum of fifteen (15) days before the scheduled public hearing. The applicant will be required to provide the names of the property owners to the city.
 2. Any required public notice signs, to be located on a proposed site, shall be required to comply with the requirements for posting of a rezone/subdivision (minimum size of sign face to be 4 feet wide by 4 feet high). (Ord. 1070, 2010)

17.22.130: RESTRICTED AREAS:

- A. Telecommunications towers in excess of thirty five feet (35') in height shall not be permitted within the "restricted area for telecommunications towers" as shown on exhibit A attached to the ordinance codified herein. (Ord. 1070, 2010)