

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**MARCH 6, 2014
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
VLAD KRYUKOV
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD KRYUKOV
Planner II



STEVEN FRAMPTON
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

Steven Frampton called the meeting to order at 6:00 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 7:45 p.m.

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CASE NO. CUP13-0014/VAR13-0007

Type: Conditional Use Permit/Variance,

Case No. CUP13-0014, a request by **VAW LLC dba Verizon Wireless**, for a Conditional Use Permit (CUP) to construct an unstaffed multi-carrier telecommunications facility with a 150' steel monopole within a leased 40' x 40' fenced utility compound area. The leased project area is located on the northeast corner of an approximately 6.97 acre parcel in the Rural zone. Concurrently with the CUP application, the Applicant is requesting a Variance in

Case No. VAR13-0007 from Kootenai County Ordinance No. 401, Section 9-24-34 (D) requiring a two (2) mile radius separation from an existing location of a WCF (cell tower). The proposed WCF will be located 1.977 miles from an existing AT&T tower structure. The Applicant states the location was precisely chosen to alleviate and remedy capacity challenges of the network in this area. The proposed site is located at 30484 N. Lone Moose Trail, Athol, ID 8381. The parcel number is 53N03W-11-7100. The site is described as SE-SE-SW EX S. 200' R/W in Section 11, Township 53 North, Range 03 West. B. M. Kootenai County, ID.

(Planner-Vlad Kryukov)

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the proposal on Lone Moose Trail in Athol, Idaho is to construct an unstaffed multi-carrier telecommunications facility. The leased project area is located on the northeast corner of an approximately 6.97 acre parcel in the Rural area. Access to the property is off East Black Bear Road. Mr. Kryukov added this Conditional Use Permit request is concurrent with a Variance request to waive the two mile radius separation between existing cell towers in the area. The applications are consistent with the requirements of the code, however, requires approval of the variance for the two mile radius separation distance. The public agency comments received had no adverse comments regarding this proposal. The public comments received were mainly in opposition to the project location due to property value, aesthetics and health issues. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Madeline Chaney, applicant representative, provided a brief overview regarding the telecommunications facility proposal referencing site and coverage maps that were provided in the Hearing Examiner report. Verizon staff visited a number of sites and mapped out the area for maximum coverage with this site being one of three new sites to be considered. She added for a mature wireless system you need adequate cell density and placement to have sites effectively function together. The location of this site is needed for an area that is under served. Also under consideration is a variance to the two mile limit of another tower location in order to receive maximum coverage and this site is within the two mile limit.

Exhibits: HE 1000 – Information on health and safety submitted by Tim Wedger.

HE 1001 – Comments regarding his property submitted by Robert Nettleton.

HE 1002 – Comments as a Board Member of Bing Haven HOA submitted by Richard Coons.

HE 1003 – Comments for denial submitted by Ebba Foster.

HE 1004 – Statement for Bing Haven Residents represented by Scott Poorman.

Public Testimony: Comment Sheets submitted: 19 plus 1 group, Applicant/Representatives - 1; In Favor - 1, Neutral - 0, Opposed – 19 plus 1 group. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Unknown long term health risks
- Property values
- Nearby airfield safety
- An eyesore-In the line of site for all of the neighbors in a rural setting
- Use and damage of private road
- Diesel generator used for power failure over the aquifer
- Wildlife corridor
- Light pollution

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- Structural integrity of towers
- Opposed to the location and not the service
- Property owner compensation
- Consider highway or fire district locations instead of private property
- More studies need to be done about health risks
- Tower location makes the area have an industrial feel in a rural neighborhood
- Reasonable use of private property
- Bayview area needs better cell coverage

Applicant Rebuttal: Madeline Chaney, applicant representative, stated 911 coverage is mandated under Federal guidelines. Also, she addressed concerns regarding the property values which have not been justified by any appraisals, the backup generator referenced could be gas or propane, minimal lighting would be used only when the techs are on site for inspections, FAA does not require a 24 hour tower light for the neighboring airstrip, the cell towers built today do not fall they kink as a safety factor, there is more traffic on the private road daily then during their projected 30 day construction timeline, and a Bayview site was considered but Verizon could not find a suitable location. Ms. Chaney stated in conclusion the towers are microwave with the health risks being minimal and referenced in the engineering information provided in the report.

There being no further comments from the public, testimony was closed on this item at 7:17 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

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CASE NO. CUP13-0015/VAR13-0008

Type: Conditional Use Permit/Variance,

Case No. CUP13-0015, a request by VAW LLC dba Verizon Wireless, for a Conditional Use Permit (CUP) to construct an unstaffed multi-carrier telecommunications facility with a 120' steel monopole within a leased 40' x 40' fenced utility compound area. The leased project area is located in the northwest corner of an approximately 5.62 acre parcel in the Agricultural zone. Concurrently with the CUP application, the Applicant is requesting a Variance in

Case No. VAR13-0008 from Kootenai County Ordinance No. 401, Section 9-24-34 (D) requiring a two (2) mile radius separation from an existing location of a WCF (cell tower). The proposed WCF will be located 1.977 miles from an existing AT&T tower structure. The Applicant states the location was precisely chosen to alleviate and remedy capacity challenges of the network in this area. In addition, the Applicant is requesting a variance to Section 9-17-6, parking and paving requirements. The subject parcel address is at 11385 W. Prairie Avenue, Post Falls, ID 83854. The parcel number is 51N05W-22-9370. The site is described as E2-W2-E ¾ of S ¾ -SE-SE in Section 22, Township 51North, Range 05 West. B. M. Kootenai County, ID.

(Planner-Vlad Kryukov)

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the proposal off of Prairie Avenue, Post Falls, Idaho is to construct an unstaffed multi-carrier telecommunications facility to accommodate four antenna arrays and ground equipment space for co-location opportunities. The leased project area is located on the northwest corner of an approximately 5.62 acre parcel in the Agricultural zone. Access to the property is off Prairie Road. The property is located in the City of Post Falls Area of City Impact (ACI). Mr. Kryukov added this Conditional Use Permit request is concurrent with a Variance request to waive the two mile radius separation between existing cell towers in the area and parking and paving requirements. The public agency comments received had no adverse comments regarding this proposal. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Madeline Chaney, applicant representative, provided a brief overview regarding the telecommunications facility proposal referencing site and coverage maps that were provided in the Hearing Examiner report. The tower location and layout meets the setbacks well beyond the 300' from neighboring residents. The tower will be a reduced profile and dark green in color. The variance request is for parking and paving which is not an issue since there would be only a couple of maintenance trips a month to the site. There is going to be restricted access through a couple of gates and most of the surrounding properties are covered by trees which assists with the tower visually blending into the landscape.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed - 1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Adjacent neighbor receiving microwave tower contact 24 hours a day

Applicant Rebuttal: Madeline Chaney, applicant representative, stated tower microwave contact is a minimal health risk and detailed in the engineering information provided in the file.

There being no further comments from the public, testimony was closed on this item at 7:34 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

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CASE NO. CUP13-0016/VAR13-0009

Type: Conditional Use Permit/Variance,

Case No. CUP13-0016, a request by VAW LLC dba Verizon Wireless, for a Conditional Use Permit (CUP) to construct an unstaffed multi-carrier telecommunications facility with a 150' steel monopole within a leased 40' x 40' fenced utility compound area. The leased project area is located in the northeast corner of an approximately 17.32 acre parcel in the Rural zone. Concurrently with the CUP application, the Applicant is requesting a Variance in

Case No. VAR13-0009 from Kootenai County Ordinance No. 401, Section 9-17-6 parking and paving requirements. The subject parcel is located directly west of Highway 41 and south of Grayeagle Road. The parcel number is 53N04W-32-8900. The site is described as E2-SE-SW-SE, SW-SE-SE, E2-SE-SE W OF RR EX TAX #8646 in Section 32, Township 53 North, Range 04 West. B. M. Kootenai County, ID.

(Planner-Vlad Kryukov)

Staff Presentation: Vlad Kryukov, Planner II, introduced the application stating the proposal of Grayeagle Road, Spirit Lake, Idaho is to construct an unstaffed multi-carrier telecommunication to accommodate four antenna arrays and ground equipment space for co-location opportunities. The leased project area is located in the northeast corner of approximately 17.31 acre parcel in the Rural zone. Access to the property is off Greyeagle Road. Mr. Kryukov added this Conditional Use Permit request is concurrent with a Variance request to waive the parking and paving requirements. There would be only occasional site visits by technicians since the facility is fully automated and is characterized as extremely low trip generation. The applicant has proposed to provide a graveled driveway and parking pad. The public agency comments received had no adverse comments regarding this proposal. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Madeline Chaney, applicant representative, provided a brief overview regarding the telecommunications facility proposal stating this site was chosen based on effective coverage and best service for the gap coverage in the area. The location site will be cleared to minimize tree removal and the forest coverage assists blending the tower with the surrounding trees. The tower conforms to the Federal Communication guidelines with the microwave contact being at a minimal cumulative health risk which is referenced in the engineering information provided with the application.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 7, Applicant/Representatives - 1; In Favor - 0, Neutral - 5, Opposed - 1. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Neighboring residents expressed concerns about tower interference with internet, telephone, TV and radio communication
- Dead spots around the tower
- Lighting on the tower or fencing
- Use restrictions on adjacent neighboring properties due to tower location
- Location is in an area that receives heavy lightening strikes
- Property values
- Private road use and damage

Applicant Rebuttal: Madeline Chaney, applicant representative, addressed concerns expressed during public comment. The microwave health risks are minimal and reported out as cumulative in the engineering information. All radio, internet and TV reception have discrete frequencies that are delegated to their receiver and not the same as the tower. The tower area lighting is minimal and operated by staff for maintenance only. Dead zones do occur and a call to Verizon can have the tower setup corrected. Ms. Chaney added there has been no data provided to support the statement regarding decreased property values due to a wireless tower location. Any setback requirements are for Verizon to comply with and not the neighboring parcels. Many of

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the towers can be prone to lightening strikes and they do have grounding systems surrounding them. To conclude, Ms. Chaney added Verizon will work with the residents and volunteered to gravel a portion of the private road leading to the property after construction.

There being no further comments from the public, testimony was closed on this item at 7:45 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary