



Planning and Zoning Staff Report
Maverick Towers-Fuentes, CU-PH2017-21

Hearing Date: June 15, 2017

Development Services Department

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| <p><u>Applicant:</u> Maverick Towers Andy Cochell</p> <p><u>Staff:</u> Kyle McCormick, 208-455-5958 kmccormick@canyonco.org</p> <p><u>Tax ID:</u> R30853</p> <p><u>Current Zone:</u> “A” (Agriculture)</p> <p><u>Comprehensive Plan:</u> 2020 CC Comprehensive Plan “Industrial” designation</p> <p><u>Area of City Impact:</u> Nampa</p> <p><u>City of Nampa Comprehensive Plan:</u> Light Industrial</p> <p><u>Lot Size/Project Area:</u> Approximately 22 acres more or less</p> <p><u>Current Uses:</u> Agricultural and Residential</p> <p><u>Applicable Zoning Land Use Regulations:</u> CCZO §07-01-15, §07-02-03, §07-05-01, §07-07-01-25, §07-10-27</p> <p><u>Notification:</u></p> <ul style="list-style-type: none">• May 10, 2017 –Mailing• May 8, 2017--Agencies• May 30, 2017-Publication• June 8, 2017-Posting (on or before) <p><u>Exhibits:</u></p> <ol style="list-style-type: none">1. FCO’S with<ul style="list-style-type: none">• Attachment A-Site Plans2. Letter of Intent3. Warranty Deed (Inst#8819048)4. Record of Survey (Inst#200106358)5. Site Plan6. Canyon County 2020 Future Land Use Map7. Nampa 2035 Future Land Use Map8. Department of Environmental Quality9. Southwest District Health10. Small Aerial11. Case Maps past 5 years12. PH2015-38 FCO’s13. Subdivision Map14. Large Aerial | <p><u>Request</u> Case No. CU-PH2017-21: Maverick Towers is requesting a conditional use permit for a 110 foot monopole multi-carrier telecommunications tower within a 3,026 Sq. Ft. leased area to be located at 9504 Cherry Lane, Nampa, ID on tax parcel R30853.</p> <p><u>Background</u> Maverick Towers is identifying locations for placement of telecommunications towers to enhance service to customers of carriers using their structures. According to Maverick Tower’s Letter of Intent (Exhibit 2) the purpose of this site at this location is to off load the existing traffic on neighboring sites.</p> <p><u>Analysis</u> §07-02-03 Definitions: Telecommunications Facility: Public or private cellphone, broadcast, communication or wireless internet towers and associated facilities.</p> <p>§07-10-27 Land Use Matrix A telecommunications facility is allowed by Conditional Use Permit in the “A” (Agricultural) zone.</p> <p>Current Zoning: “A” (Agricultural) Canyon County 2020 Future Land Use: Industrial City of Nampa 2035 Future Land Use: Light Industrial</p> <p>The subject property currently shows that it has a legal ingress/egress easement of 28 ft. coming from Cherry Lane (Exhibit 3). Access for construction and maintenance of the facility will be taken at the residential approach to Cherry Road as indicated in the site plan (Attachment A, Exhibit 1). The 20’ utility easement is located adjacent to the 50’ North Slough Drain for future power line infrastructure (Exhibit 5). According to Record of Survey Inst. #2001-06358 (Exhibit 4) the Noble Slough Drain retains a 100 ft. easement (50 ft. on each side of the canal). The proposed lease area is to remain on the outside of 50 ft. Noble Slough Drain as indicated in the applicant’s sight plan (Exhibit 5).</p> <p>The property is located in an area surrounded by agricultural and rural residential uses. There are 22 subdivisions within one mile of the subject property with 529 lots averaging approximately 1.5 acres (Exhibit 13). The tower location is not removing agricultural land from production. There is evidence of a trend of Industrial activity in the area with the recent approval of case PH2015-38 which approved the rezoning of parcel R30861-010 from Agricultural to M-1 (Light Industrial) (Exhibit 12). This area is designated as Industrial on Canyon County’s Future Land Use Map (Exhibit 6).</p> |
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Comprehensive Plan

The proposed use is consistent with multiple goals and policies of the 2020 Comprehensive Plan including but not limited to:

- Section 1 - Property Rights Policy No. 1 - *“No person shall be deprived of private property without due process of law”*.
- Section 2 – Population Policy No. 1 – *“Provide the planning base for an anticipated population of 225,503 by the year 2015, and 242,908 by the year 2020. As the population increases, the need for dependable cellular service is needed.*
- Public Services, Facilities and Utilities Policy No. 3- *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The property is located within the Nampa Fire District.
- Public Services, Facilities, and Utilities Policy No. 5 – *“Encourage the co-location and joint use of utility corridors and facilities.”* The proposed tower will be co-locatable.

Comments

Public Comments

At the time this staff report was written, staff had not received any letters or comments from the public regarding the proposed telecommunications tower at 9504 Cherry Lane.

County Agency Comments

Staff notified affected agencies and the comments are attached as exhibits.

Alternatives

The Planning and Zoning Commission may **approve** the conditional use permit as conditioned and/or amended; The Planning and Zoning Commission may **deny** the conditional use permit and direct staff to make findings of fact to support this decision; or

The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Significant Impacts

Staff has not identified any significant impacts as a result of the addition of a multi-user telecommunications tower at this proposed location.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit. Staff is recommending approval of the application subject to the conditions of approval and has provided findings of fact, conclusions of law and conditions of approval for the Planning and Zoning Commission’s consideration found in Exhibit 1.



Canyon County Planning and Zoning Commission

Maverick Towers-Fuentes, CU-PH2017-21

Development Services Department

June 15, 2017

Findings of Fact, Conclusions of Law, Conditions of Approval and Order

Findings of Fact

1. The applicant is requesting to install a 110 foot monopole telecommunications tower in a 3,026 Sq. Ft. area on parcel R30853 (Exhibit 5).
2. The subject property is currently zoned "A" (Agricultural).
3. The current use is a rural residential and agricultural.
4. The property has access to a 28 wide ingress/egress easement as shown on Inst.#8819048.
5. The subject property is located within the Nampa City area of impact.
6. The subject property is located within the Nampa Highway District, Nampa Fire District, Vallivue School District, the Pioneer Irrigation District.
7. The record includes all hearing documents, testimony, and documents within the case file CU-PH2017-21.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 8, 2017, Newspaper notice was provided on May 30, 2017, property owners within 300' were notified by mail on May 10, 2017, and the property was posted on or before June 8, 2017.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property is zoned agricultural. A telecommunications facility is allowed by conditional use permit (CUP) in the agricultural zone.

Finding: The subject property is zoned agricultural and the proposed use is permitted in the Agricultural zone by conditional use permit. CCZO §07-10-27.

2. What is the nature of the request?

The applicant is requesting to install and maintain a multi-user (co-locatable) telecommunications tower within a 3,026 Sq. Ft leased area on the subject property owned by Jose and Margarita Fuentes.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- Section 1 - Property Rights Policy No. 1 - *"No person shall be deprived of private property without due process of law"*.
- Section 2 – Population Policy No. 1 – *"Provide the planning base for an anticipated population of 225, 503 by the year 2015, and 242,908 by the year 2020. As the population increases, the need for dependable cellular service is needed.*
- Public Services, Facilities and Utilities Policy No. 3- *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The property is located within the Nampa Fire District.

- Public Services, Facilities, and Utilities Policy No. 5 – “*Encourage the co-location and joint use of utility corridors and facilities.*” The proposed tower will be co-locatable.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The proposed use will not be injurious to other properties or property owners in the immediate vicinity. The proposed use will not change the essential character of the area.

Finding: The immediate vicinity is comprised of agricultural and rural residential uses. There is some evidence of a trend of Industrial activity in the area with the recent approval of case PH2015-38 which approved the rezoning of parcel R30861-010 from Agricultural to M-1 (Light Industrial) (Exhibit 12).

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: The Unmanned telecommunications tower does not require water, sewer, irrigation, or drainage facilities. Power is in the vicinity and will be provided to the facility.

Finding: Maverick Towers has included an easement to the telecommunications site from the Idaho Power line that runs adjacent to the leased area on the subject property. (Attachment A, Exhibit 1)

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access exists on the subject property via Cherry Road, a public road. (Exhibit 5)

Finding: Property Deed Inst. #88-19048 indicates legal access to a 28’ easement for ingress/egress. (Exhibit 3).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: There will not be undue interference with existing or future traffic patterns.

Finding: The proposed telecommunications facility once constructed will be an unmanned facility with infrequent maintenance visits required. Traffic patterns will not be affected.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services will be provided to accommodate the use.

Finding: Agencies were notified of the intended use. There were no negative responses received from the agencies regarding the proposed use.

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The telecommunications facility shall be constructed in substantial conformance with the site plan. (Attachment A).
3. Access shall be taken from Cherry Road at the current residential access point as indicated on the site plan (Attachment A).

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU-PH2017-21, to construct and maintain a multi-user 110 foot monopole telecommunications tower on parcel R30853 located at 9504 Cherry Lane, Nampa, Idaho.

APPROVED this _____ day of _____, 2017.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Richard Hall, Chairman

State of Idaho)
) SS
County of Canyon County)

On this _____ day of _____, in the year 2017, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____
My Commission Expires: _____

ATTACHMENT "A" SITE PLAN

MAVERICK TOWERS

SITE NAME:
WEST CHERRY

SITE NUMBER:
MT040

9504 CHERRY LN
NAMPA, ID 83687

NEW SITE BUILD PROJECT

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FCC COMPLIANCE | REGULATION FROM THIS FACILITY WILL NOT INTERFERE WITH OPERATION OF OTHER COMMUNICATION DEVICES. |
| CODE COMPLIANCE | ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND AS ADOPTED BY THE LOCAL GOVERNING AUTHORITY. VIOLATION OF THESE CODES IS NOT ALLOWED. |
| ADA COMPLIANCE | THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDINGS AND STAIRS SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF A TECHNIION WILL PERIODICALLY VISIT THE SITE FOR ROUTINE MAINTENANCE. |
| PROPERTY INFORMATION | PROPERTY LANDLORD: FUENTES, JOSE DE JESUS FUENTES MANAGERIA P/HW OR OWNER: 9504 CHERRY LN NAMPA, ID 83687 COUNTY: CANYON |
| ZONING DESIGNATION: | 110 A201 HOME SITE LAND |
| PARCEL NUMBER: | 1020500000 |
| POWER COMPANY: | IDAHO POWER |
| TELEPHONE COMPANY: | |
| CONTACT INFORMATION | MANAGER: TOWERS 1815 N. 11TH STREET BOISE, ID 83702 PHONE: 862.262.2046 CONTACT: AARON CORDELL ADMINISTRATOR & ENGINEERING: GEOSTRUCTURAL, LLC PO BOX 26201 BOISE, ID 83701 PHONE: 862.262.4977 CONTACT: DON GEORGE |
| SITE ACCESS | CONTRACTOR SHALL OBTAIN NECESSARY PERMITS ONLY NOT TO A LOCALITY. COORDINATES: 43.522967° / -115.965796° SPECIAL ACCESS: NO SPECIAL ACCESS INFORMATION: |

VICINITY MAP

LOCAL MAP

PROJECT INFORMATION

THIS PROJECT CONSISTS OF THE FOLLOWING: 4 TOWERS DESIGNED FOR MULTIPLE CARRIERS INSTALLATION.

• (1) PROPOSED LEASE AREA (DOR 50 FT x 71)

| GENERAL PROJECT NOTES | <ol style="list-style-type: none"> 1. PRIOR TO SUBMITTING A BID, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SCOPE OF WORK AND ALL CONDITIONS. 2. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS OF THE JOB SITE AND COMPARE THEM WITH THE INFORMATION PROVIDED IN THE CONSTRUCTION DOCUMENTS. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. 3. ALL FIELD REORGANIZATION BEFORE, DURING OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A MAVERICK TOWERS REPRESENTATIVE. 4. INSTALL ALL EQUIPMENT AND MATERIALS PER THE MANUFACTURER'S RECOMMENDATIONS, UNLESS OTHERWISE NOTED. 5. NOTIFY MAVERICK TOWERS IN WRITING OF ANY MAJOR DISCREPANCIES OR OMISSIONS BEFORE THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATIONS FROM A MAVERICK TOWERS REPRESENTATIVE AND ACCEPTING THE BID ACCORDINGLY. 6. MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE WORK UNDER THE CONTRACT SHALL BE APPROVED IN WRITING BY A MAVERICK TOWERS REPRESENTATIVE. 7. CONTRACTOR SHALL NOTIFY ALL DESIGN REPRESENTATIVES AND MAVERICK TOWERS IMMEDIATELY IN WRITING OF ANY DISCREPANCIES OR OMISSIONS THAT MAY OCCUR DURING THE CONSTRUCTION TO THE SATISFACTION OF A MAVERICK TOWERS REPRESENTATIVE. 8. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND SERVICES TO ILLUSTRATE THE AS BUILT CONDITION OF THE SITE. FOLLOWING THE FINAL INSPECTION BY MAVERICK TOWERS, THE CONTRACTOR SHALL DEMONSTRATE TO MAVERICK TOWERS WITH ONE COPY OF ALL REQUIRED DRAWINGS. 9. VERIFY ALL FINAL EQUIPMENT WITH A MAVERICK TOWERS REPRESENTATIVE. ALL EQUIPMENT SHALL BE SPECIALLY PERFORMANCE TESTED AND APPROVED BY MAVERICK TOWERS BEFORE INSTALLATION. 10. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND SERVICES THROUGHOUT THE CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THESE WORKS WITH THE WORK AND DIMENSIONS OF THE CONSTRUCTION TO BE INSTALLED TO THE INSTALLATION. | | | | | | | | | | |
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| SHEET INDEX | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>SHEET</th> <th>DESCRIPTION</th> </tr> <tr> <td>T-1</td> <td>TITLE SHEET</td> </tr> <tr> <td>A-1</td> <td>OVERALL SITE PLAN</td> </tr> <tr> <td>A-2</td> <td>ENLARGED SITE PLAN</td> </tr> <tr> <td>A-3</td> <td>TOWER ELEVATIONS</td> </tr> </table> | SHEET | DESCRIPTION | T-1 | TITLE SHEET | A-1 | OVERALL SITE PLAN | A-2 | ENLARGED SITE PLAN | A-3 | TOWER ELEVATIONS |
| SHEET | DESCRIPTION | | | | | | | | | | |
| T-1 | TITLE SHEET | | | | | | | | | | |
| A-1 | OVERALL SITE PLAN | | | | | | | | | | |
| A-2 | ENLARGED SITE PLAN | | | | | | | | | | |
| A-3 | TOWER ELEVATIONS | | | | | | | | | | |

**PROFESSIONAL ENGINEER
STATE OF IDAHO
10636
DONALD WILLIAM GEORGE**

GEOSTRUCTURAL

400 W. 10TH STREET
BOISE, IDAHO 83702
PHONE: 862.262.2046
WWW.GEOSTRUCTURAL.COM

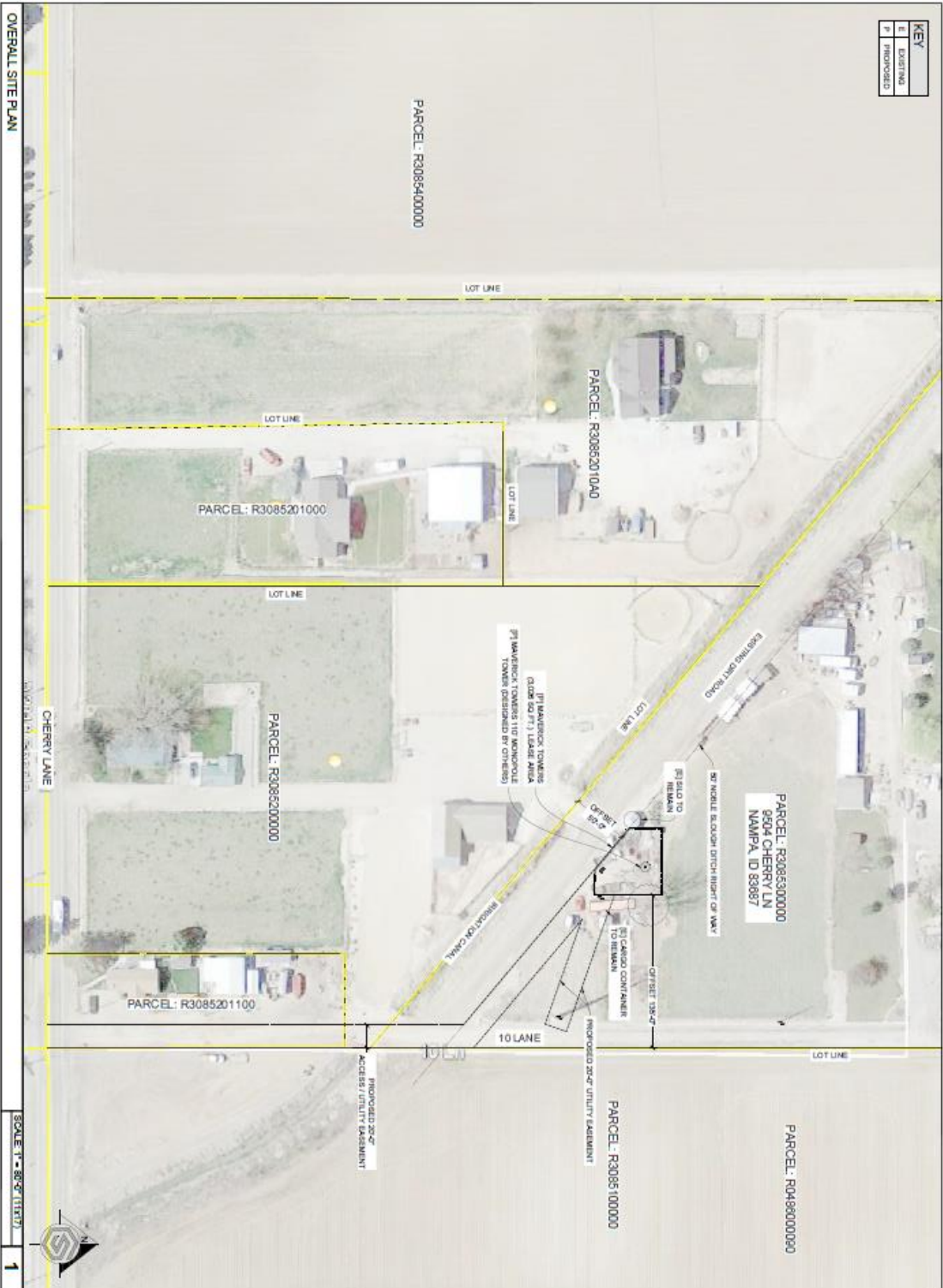
MAVERICK TOWERS

1815 N. 11TH STREET
BOISE, ID 83702

SITE INFORMATION:
WEST CHERRY
MT040
9504 CHERRY LN
NAMPA, ID 83687


SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1




| KEY | |
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| E | EXISTING |
| P | PROPOSED |





1815 N. 118 STREET
BOZEMAN, ID 83727




GEOSTRUCTURAL
440 BRYANT DRIVE, SUITE 101
BOZEMAN, ID 83725
www.imtgeos.com

| REV | DATE | DESCRIPTION | BY |
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THIS DOCUMENT IS UNCONTROLLED AND NOT VALID FOR CONSTRUCTION OR INSTALLATION UNLESS IT IS ISSUED BY THE ORIGINAL AUTHORITY.



SITE INFORMATION:
WEST CHERRY
MTHO

DESIGNED BY:
MARCUS CHERRY
NAPCA, ID 83607

SHEET TITLE:
OVERALL SITE PLAN
SHEET NUMBER:
A-1



| KEY | |
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| E | EXISTING |
| P | PROPOSED |

SITE NOTES

REFER TO OCCUPATION CONTRACTOR SHALL CHECK THE AREA FOR UNDERGROUND FACILITIES. UTILITIES SHOWN ARE FOR REFERENCE ONLY AND INVENTORY IS NOT EXHAUSTIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND MEASUREMENTS AT THE SITE PRIOR TO COMMENCING ANY MATERIALS AND CONDUCTING ANY WORK.

PARCEL: R3088300000
8904 CHERRY LN
NANFPA, ID 83087

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p>MAVERICK TOWERS 1818 N. 11th STREET BOISE, ID 83702</p> |  <p>GEOSTRUCTURAL 501 N. 2ND ST. SUITE 101 BOISE, ID 83724 WWW.GEOSTRUCTURAL.COM</p> | <p>PROFESSIONAL ENGINEER REGISTERED 10636 STATE OF IDAHO DONALD WILLIAM GEORGE</p> | <p>SITE INFORMATION:</p> <p>WEST CHERRY MT040</p> <p>8904 CHERRY LN NANFPA, ID 83087</p> <p>SHEET TITLE: ENLARGED SITE PLAN</p> <p>SHEET NUMBER: A-2</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

MI MAVERICK TOWERS
1815 N. 11th STREET
BOISE, ID 83702

GEOSTRUCTURAL
PO BOX 2971 BOISE, ID 83721
8. CLOVING MOUNTAIN PLAZA, SUITE 100
WWW.GEOSTRUCTURAL.COM

| REV. | DATE | DESCRIPTION | BY |
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GEO

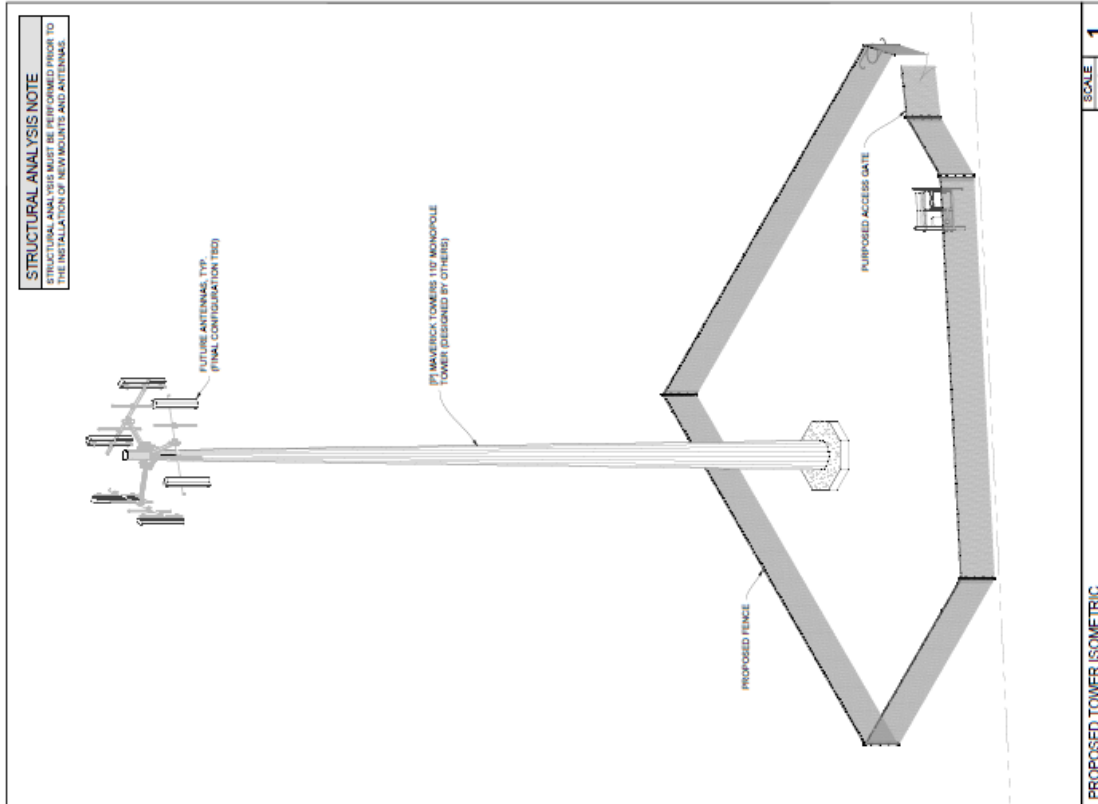
NO SUBSTITUTIONS OR ALTERATIONS ARE TO BE MADE WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. ANY SUCH ALTERATION SHALL BE SUBJECT TO THE CLIENT'S WRITTEN APPROVAL. THIS DRAWING IS THE PROPERTY OF GEOSTRUCTURAL ENGINEERS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GEOSTRUCTURAL ENGINEERS.

PROFESSIONAL ENGINEER
REGISTERED
10636
DONALD WILLIAMS
STATE OF IDAHO

SITE INFORMATION:
WEST CHERRY
MTD40
8906 CHERRY LN
TAMPA, FL 33607

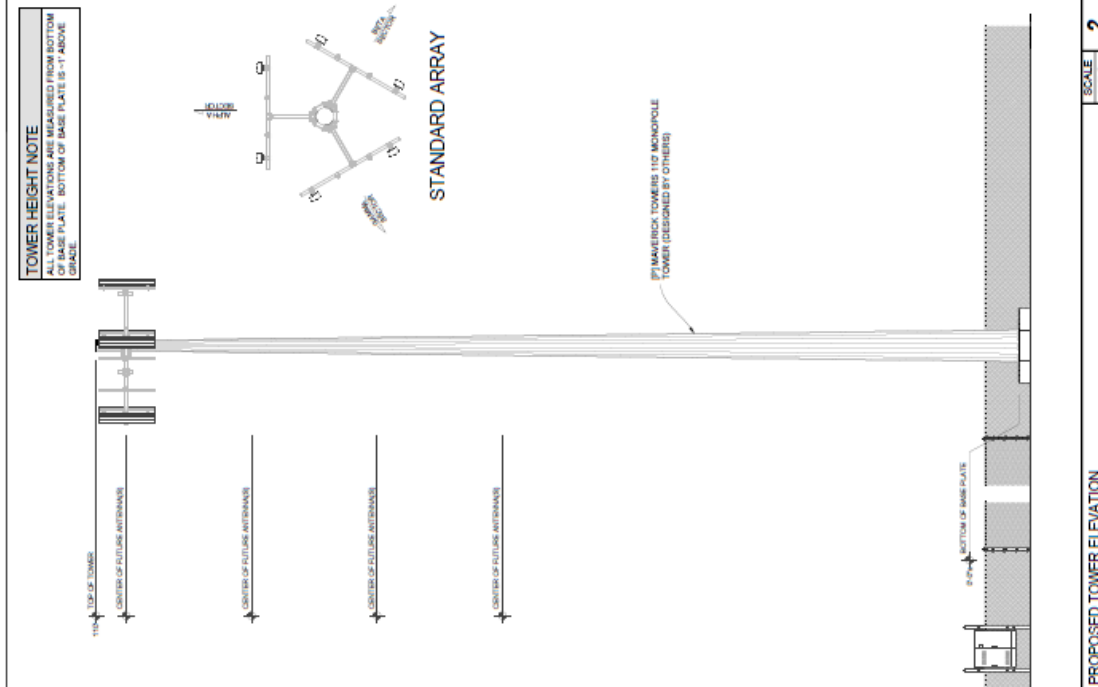
SHEET TITLE:
TOWER ELEVATION & ISOMETRIC

SHEET NUMBER:
A-3



SCALE
N.T.S. **1**

PROPOSED TOWER ISOMETRIC



SCALE
N.T.S. **2**

PROPOSED TOWER ELEVATION

