



**Planning and Zoning Staff Report**  
**Vallivue School District - PH2018-16**

Hearing Date: April 19, 2018

Development Services Department

<p><b><u>Applicant:</u></b> Nate Bondelid</p> <p><b><u>Owner:</u></b> Vallivue School District</p> <p><b><u>Staff:</u></b> Dan Lister, Planner II (208) 455-5959 <a href="mailto:dlister@canyonco.org">dlister@canyonco.org</a></p> <p><b><u>Tax ID:</u></b> R32718</p> <p><b><u>Current Zone:</u></b> "A" (Agriculture)</p> <p><b><u>2020 Comprehensive Plan:</u></b> Residential</p> <p><b><u>Lot Size/Project Area:</u></b> Lot Size: 40.30ac</p> <p><b><u>Current Uses:</u></b> Vallivue Middle School</p> <p><b><u>Applicable Zoning Regulations:</u></b> CCZO §07-02-03, 07-07-05, §07-10-27</p> <p><b><u>Notification:</u></b></p> <ul style="list-style-type: none"> <li>• 3/7/2018: Agencies</li> <li>• 3/7/2018: JEPA</li> <li>• 3/22/2018: Publication</li> <li>• 4/4/2018: Property Owners</li> <li>• 4/10/2018: Posting</li> </ul> <p><b><u>Exhibits:</u></b></p> <ol style="list-style-type: none"> <li>1) FCOs</li> <li>2) Project Information:             <ol style="list-style-type: none"> <li>a) Letter of Intent with Site Map;</li> <li>b) Land Use Worksheet;</li> <li>c) Elevation Plans;</li> <li>d) FAA Application</li> </ol> </li> <li>3) Maps             <ol style="list-style-type: none"> <li>a) Small Air Photo;</li> <li>b) Vicinity;</li> <li>c) Contour;</li> <li>d) Zoning &amp; Classification;</li> <li>e) Future Land Use;</li> <li>f) City of Caldwell – Comprehensive Plan Map;</li> <li>g) Subdivision and Report;</li> <li>h) Farmland &amp; Report; and</li> </ol> </li> <li>4) Agency Comments             <ol style="list-style-type: none"> <li>a) Canyon Highway District;</li> <li>b) Idaho Transportation Department (ITD); and</li> </ol> </li> </ol>	<p><b><u>Request</u></b></p> <p>Vallivue School District is requesting a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications facility. The subject parcel (R32718) is zoned "A" (Agricultural). The property is located at 16412 S. 10<sup>th</sup> Avenue, Caldwell; also known as the SW Quarter of Section 10, Township 3N, Range 3W; Canyon County, Idaho.</p> <p>The proposed facility includes a 100 foot tall monopole with 48 square foot equipment shelter within a fenced 25 square foot area. The proposed facility will replace an existing facility with 70 foot lattice tower currently utilized on the parcel. See <b>Exhibit 2</b> for more details.</p> <p><b><u>Background</u></b></p> <p>The subject parcel is 40.30 acres and zoned "A" (Agricultural). The parcel is an original parcel (created prior to September 6, 1979). The parcel contains uses and structure related to the Vallivue Middle School. The parcel is not located within a mapped floodplain (FIRM Panel No. 16027C0375F)</p> <p>The parcel is located within City of Caldwell's Impact Area. Caldwell's Comprehensive Plan Map designates the future land use of the parcel as "Public" (Exhibit 3f). No comments were received from the City of Caldwell regarding the proposed use.</p> <p>Access to the subject parcel is from 10th Avenue; a public road. 10th Avenue is identified as a minor arterial (See comment letters from ITD, <b>Exhibit 4b</b>; and Canyon Highway District, <b>Exhibit 4a</b>). The parcel is located within Canyon Highway District #4, Caldwell Rural Fire District, Vallivue School District #139 and Wilder Irrigation District.</p> <p>The property is mostly surrounded by properties zoned "A" (Agricultural). Southwest of the subject parcel are older subdivisions zoned "RR" (Rural Residential). The nearest subdivisions are Stecher Sub (1959), Somerset West Subdivision (1973) and Vanal Heights Subdivision (1960). See <i>related maps (Exhibit 3)</i>.</p> <p><b><u>Analysis</u></b></p> <p><b><u>§07-02-03 Definitions:</u></b> Telecommunications Facility: Public or private cellphone, broadcast, communication or wireless internet towers and associated facilities.</p> <p><b><u>§07-10-27 Land Use Matrix:</u></b> A telecommunications facility is allowed by Conditional Use Permit in the "A" (Agricultural) zone.</p> <p><b><u>Required Findings (CCZO §07-07-05)</u></b></p> <p>The proposed use is consistent with multiple goals and policies of the 2020 Comprehensive Plan including but not limited to:</p> <ul style="list-style-type: none"> <li>• <b><u>Section 1 - Property Rights Policy No. 1:</u></b> "No person shall be deprived of private property without due process of law".</li> <li>• <b><u>Public Services, Facilities and Utilities Policy No. 3-</u></b> "Encourage the</li> </ul>
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<p>c) Federal Aviation Administration</p> <p>5) Large Aerial</p>	<p><i>establishment of new development to be located within the boundaries of a rural fire protection district.”</i></p> <ul style="list-style-type: none"> <li>• <u>Public Services, Facilities, and Utilities Policy No. 5:</u> “Encourage the co-location and joint use of utility corridors and facilities.”</li> </ul> <p><u>Character/Setting</u> The proposed 100 foot monopole will be visible within the rural residential and agricultural setting. However, the setting has many tall utility poles along the public road and parcel. Therefore, the facility will not be out of character.</p> <p>According to project information submitted (Exhibit 2), the proposed facility is required to improve School District’s communication network. The existing facility does not provide spacing to add required equipment to enhance the existing network. The facility will provide spacing for up to 6 carriers. The result will provide better coverage and data usage for the school district.</p> <p><u>Potential Neighborhood Impact</u> Telecommunications facilities generate radio frequency (RF) emissions. However, the Federal Communications Commission (FCC) regulates RF emissions. The facility, including any future carrier, must demonstrate to the FCC that the use is consistent with FCC RF emission standards.</p> <p>The FAA requires review of the proposed facility (Exhibit 4c). The applicant has applied for FAA review and approval (Exhibit 2d). Prior to building permit issuance, FAA approval shall be obtained.</p> <p><u>Necessary services:</u> The unmanned facility does not require water or wastewater services or connection to existing drainage or irrigation.</p> <p><u>Access:</u> According to Exhibit 2, the facility will utilize an existing access location near the north boundary of the parcel. Canyon Highway District (Exhibit 4a) and ITD (Exhibit 4b) does not object to the request.</p> <p><u>Essential services:</u> The use will improve school district and emergency services communications network.</p> <p><u>Comments</u> <u>Public Comments</u> On April 4, 2018, property owners within 300 feet of the subject parcel were noticed. At the time this staff report was written, staff had not received any letters or comments from the public regarding the proposed telecommunications tower on the subject property.</p> <p><u>Agency Comments</u> Affected agencies were notified on March 7, 2018. The following agency responded:</p> <ul style="list-style-type: none"> <li>- Canyon Highway District (Exhibit 4a)</li> <li>- ITD (Exhibit 4b)</li> <li>- FAA (Exhibit 4c)</li> </ul> <p><u>Decision Options</u> The Planning and Zoning Commission may <b>approve</b> the conditional use permit as conditioned and/or amended; The Planning and Zoning Commission may <b>deny</b> the conditional use permit and direct staff to make findings of fact to support this decision; or</p>
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The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

**Recommendation**

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit. Staff recommends that the Planning and Zoning Commission approve this application subject to the conditions of approval as provided in the findings of fact, conclusions of law and order (Exhibit 1).



# Canyon County Planning and Zoning Commission

## Vallivue School District - PH2018-16

Development Services Department

April 19, 2018

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

#### Findings of Fact

1. The applicant, Vallivue School District, is requesting a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications facility. The subject parcel (R32718) is zoned “A” (Agricultural). The property is located at 16412 S. 10<sup>th</sup> Avenue, Caldwell; also known as the SW Quarter of Section 10, Township 3N, Range 3W; Canyon County, Idaho.
2. The subject parcel is an original 40.30 acre property owned by Vallivue School District. The parcel contains uses and structure related to the Vallivue Middle School.
3. The parcel is not located within a mapped floodplain (FIRM Panel No. 16027C0375F).
4. The Canyon County Comprehensive Plan Future Land Use designation is “Residential”.
5. The subject property is located within Caldwell’s City Impact Area. Caldwell’s Comprehensive Plan map designates the parcel as “Public” (Exhibit 3f). No comments were received from the City of Caldwell regarding the proposed use.
6. The subject property is located within the Canyon Highway District #4, Caldwell Rural Fire District, Vallivue School District #139 and Wilder Irrigation District.
7. The record includes all hearing documents, testimony, and documents within the case file CU-PH2018-16.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on March 7, 2018. Newspaper notice was provided on March 22, 2018, property owners within 300’ were notified by mail on April 4, 2018, and the property was posted on April 10, 2018.

#### 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 a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications facility. The proposed facility includes a 100 foot tall monopole with 48 square foot equipment shelter within a fenced 25 square foot area. The proposed facility will replace an existing facility with 70 foot lattice tower currently utilized on the parcel.

#### **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”.*
- 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.”*
- Public Services, Facilities, and Utilities Policy No. 5 – *“Encourage the co-location and joint use of utility corridors and facilities.”*

**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. The proposed 100 foot monopole will be visible within the rural residential and agricultural setting. However, the setting has many tall utility poles along the public road and surrounding properties. Therefore, the facility will not be out of character with this existing setting.

The proposed facility is required to improve School District’s communication network. The existing facility does not provide spacing to add required equipment to enhance the existing network. The facility will provide spacing for up to 6 carriers. The result will provide better coverage and data usage for the school district.

**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: The unmanned facility does not require water or wastewater services or connection to existing drainage or irrigation.

**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 to the subject property via 10<sup>th</sup> Avenue, a public road.

Finding: The facility will utilize an existing access location near the north boundary of the parcel. Canyon Highway District (Exhibit 4a) and ITD (Exhibit 4b) does not object to the request.

**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: The use is a benefit to essential services. The use will improve school district and emergency services communications network.

**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. A building permit is required for construction of the facility. The telecommunications facility shall be constructed in substantial conformance with the site plans (Exhibit 2a).
- 3. Prior to submittal of a building permit, FAA (Federal Aviation Administration) approval shall be submitted to the Development Services Department.
- 4. The applicant shall comply with applicable Caldwell Fire District and Canyon Highway District requirements. The applicant shall obtain permits prior to construction of the telecommunications tower. A copy of the permit shall be provided at the time of building permit submittal.
- 5. The project site shall be enclosed by a minimum six foot chain link fence. Lighting, if installed, shall be downward facing and directed inward to the enclosure to minimize impact to the surrounding properties. The area and surrounding fence line shall be kept weed free and/or maintained so weeds are 6” in height or less.
- 6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property.

**Order**

Based upon the Findings of Fact, Conclusions of Law, Conditions of Approval and Order contained herein, the Planning and Zoning Commission **approves** Case # CU-PH2018-16, to allow the installation and operation of a telecommunications facility on parcel R32718 located at 16412 S. 10<sup>th</sup> Avenue, Caldwell, Idaho.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

\_\_\_\_\_  
Richard Hall, Chairman

State of Idaho )

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County of Canyon County )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2018, 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: \_\_\_\_\_