

**BINGHAM COUNTY PLANNING AND ZONING COMMISSION
REASON AND DECISION**

APPLICATION OF: Conditional Use Permit to allow the placement of Tower; antenna, broadcast, cell, telecommunication, internet, fiber or other wireless tower structure in an “R/A and A” Residential/Agriculture and Agriculture Zoning District

PROPERTY OWNERS: Kevin & April Christensen

APPLICANT: Skyway Towers, LLC

Requested Action: Skyway Towers, LLC, of behalf of property owners, Kevin & April Christensen, requested a Conditional Use Permit to allow the construction of a new 150-foot monopole tower for T-Mobile on the property located at approx. 647 E 800 N, Firth, Idaho, in an “R/A & A” Residential/Agriculture & Agriculture Zoning District. The application may be considered for approval pursuant to Bingham County Code Section 10-5-3 *Land Use Chart*, or compliance with the requirements of Bingham County Code Section 10-7-35 Specific Use Performance Standards of *Towers; Broadcast, Cell, Telecommunication*.

Property Location: Approx. Location: 647 E 800 N, Firth, ID. Parcel No. RP0532904, Township 1 South, Range 37 East, Section 30, consisting of approx. 3.98 acres

Applicable Regulations: Bingham County Comprehensive Plan, Dated November 20, 2018
Bingham County Zoning Ordinance 2012-08

Public Hearing Date: June 12, 2024

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Planning and Zoning Commission:
 - a. Application;
 - b. Staff Report; and
 - c. Testimony presented prior to the Public Hearing which included:
 - (T-1) Bingham County Surveyor;
 - (T-2) Idaho Department of Environmental Quality;
 - (T-3) Bingham County Public Works; and
 - (T-4) David Coffield who submitted a letter in opposition.

2. After the Staff Report was presented, testimony presented at the Public Hearing included:

Applicant (T-5) Jared White, 964 West Raven Circle, Kaysville, Utah, representative of Skyway Tower LLC, whom he explained has been contracted by T-Mobile, the primary tenant on this tower. Mr. White discussed that this tower will be constructed to co-locate and accommodate future carriers as required by County Code and the desired location addresses a current gap in coverage. The Commission questioned if alternative siting locations or co-location opportunities were reviewed such as the water tower in Firth or other locations to the East, West, or South of the proposed site. Mr. White addressed the question stating other sites, including those referenced, were reviewed but that the desired site remedies current coverage insufficiencies and will have no effect to the landowners farming operations. In response to concerns of radiation, Mr. White stated the FCC has a maximum limit of RF (radio frequency) emissions to which Skyway operates at a level significantly below that number.

3. No testimony was received and the Public Hearing in support, in neutral, or in opposition of the Application and therefore after Mr. White's testimony, the Public Hearing for this item was closed.
4. With the questions of Mr. White and the discussion in responding to the concerns of the Commission, the Commission didn't have any additional questions or discussion for the Applicant or Staff.

II. REASON

The Planning and Zoning Commission found:

1. the parcel contains 3.98 acres and shares zoning designations of both Agriculture and Residential/Agriculture; and
2. the Application meets the requirements of Bingham County Code Section 10-5-3, *Land Use Chart*, as a tower, antenna, broadcast, cell, telecommunication, internet, fiber or other wireless tower structure is permitted with an approved Conditional Use Permit in both zoning designations; and
3. with the placement of the requested cellular tower, the Applicant testified that the land should not be altered from its current operations of cellar storage and farm equipment storage; and
4. the Applicant was questioned on a number of alternative locations where the proposed tower could potentially be located where similar towers currently exist to which the Applicant indicated were not suitable sites; and
5. the Application met the Special Use Performance Standards of Bingham County Code Section 10-7-35 as follows:

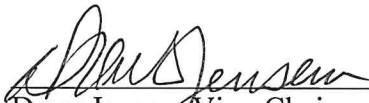
- a. a letter regarding compliance with FCC standards was provided by the Applicant from T-Mobile Radio Frequency Manager as well as a Non-Ionizing Electromagnetic Radiation (NIER) Study stamped by a professional engineer demonstrating the proposed cellular tower facility will be in compliance with the FCC Standards regarding Radio Frequency (RF) Emissions; and
 - b. preliminary Plans not-for-construction were provided by the Applicant with the Application but official construction plans will be stamped by a qualified and licensed engineer as part of the Building Permit process; and
 - c. a letter from the FAA was provided that stated the proposed location does not warrant marking and lighting for aviation safety; and
 - d. the Application was accompanied with propagation charts showing current and future cellular coverage areas; and
 - e. written analysis demonstrating that the proposed site is the most appropriate site within the immediate area; and
 - f. the tower will be constructed of galvanized steel, be non-corrosive and non-reflective, and will not be painted; and
 - g. no part of any antenna, disk, array or other such item attached to a communications tower shall be permitted to overhang any part of the right-of-way or property line; and
 - h. a Building Permit for the 8' tall chain link security fence will be required; and
 - i. the Lease Agreement/Amended Lease Agreement between Skyway Towers and the landowner requires if/when the tower is abandoned or unused, the tower shall be required to be removed within one hundred eighty (180) days of cessation of use as a wireless communication facility, unless a time extension is granted by the Commission.
 - j. all climbing pegs within the bottom twenty feet (20') of the tower shall be removed except when the tower is being serviced; and
 - k. there will be no lighting other than a small maintenance light attached to the ground cabinet but no other lighting is to be installed; and
 - l. there will be no signage with the exception of federally required signage on the tower; and
 - m. the Applicant provided a stamped letter, from Idaho licensed engineer Michael F. Plahovinsak, stating he designed the monopole tower to the standards of the 2018 International Building Code and the TIA-222-H. Further, the monopole tower may be considered to be designed for a 0-foot fall radius on rarity of failures and the requirements of the Building Code and the TIA-222 Standard; and
 - n. only the accessory equipment building shall be permitted to be located within the fall zone; and
 - o. the Applicant explored the area and there are no feasible co-location options at this time; and
 - p. the tower is designed (structurally, electrically, and in all respects) to accommodate both the Applicant's antennas and comparable antennas for four (4) carriers; and
6. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Conditional Use Permit Application were complete and addressed all items required by review of the Commission; and

7. the notice requirements of Idaho Code and Bingham County Code, specifically Section 10-7-35(G), were met.

III. DECISION

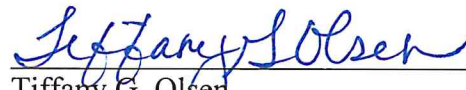
Based on the record, Commissioner Carroll moved to approve the request by Skyway Tower, LLC, on behalf of Kevin & April Christensen, for a Conditional Use Permit to allow the construction and operation of a 150' monopole cellular tower on Parcel No. RP0532904, in a Residential/Agriculture and Agricultural Zoning District with the Applicant receiving approved Building Permits for both the tower and security fence.

Commissioners Carroll, Bingham, Jolley, Johns and Butler voted in favor and the motion carried.



Drew Jensen, Vice-Chairman
Bingham County Planning and Zoning Commission

7/16/2024
Date



Tiffany G. Olsen
Planning & Development Director

7/16/2024
Date