



SPECIAL USE PERMIT CELL TOWER APPLICATION

STAFF USE ONLY

Date Submitted: _____ Received by: _____ Fee paid: _____ Project # _____

REQUIRED SUBMITTALS

**Application Fee: \$700.00*+Actual
Cost of Outside Consultant***
Publication Fee: \$300.00
Mailing Fee: \$6.00 per hearing

** Public hearing required with the Planning Commission*

A **COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

- Completed application form**
- Application, Publication, and Mailing Fees**
- A report(s) by an Idaho licensed Title Company:** Owner's list three (3) sets of mailing labels with the owner's addresses prepared by a title company, using the last known name/address from the latest tax roll of the County records. This shall include the following:
 1. All property owners within 300ft of the external boundaries. *** Non-owners list no longer required***
 2. All property owners with the property boundaries.
- A report(s) by an Idaho licensed Title Company:** Title report(s) with correct ownership easements, and encumbrances prepared by a title insurance company and a copy of the tax map showing the 300ft mailing boundary around the subject property. The report(s) shall be a full Title Report and include the Listing Packet. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services.
- A written narrative:** Including a description of the request, how the request conforms to the 2007 Comprehensive Plan, how the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties. Explain how the location, design, and size of the proposal will be adequately served by existing street, public facilities and services.
- A legal description:** in MS Word compatible format, together with a meets and bounds map stamped by a licensed Surveyor.
- A plan set map:** A site plan with floor plans, and/or building elevations as deemed necessary to demonstrate the characteristics of the proposed use. All plans must be accurately drawn to an acceptable scale and complete with dimensions that show lot size, setbacks, required off-street parking, any landscaping that may be proposed to ensure the compatibility with the abutting properties, and surrounding neighborhood.
- Other WCF requirements:** Starting on page 7, all applicable wireless communication facility information listed must be submitted along with the information already covered in this application.

DEADLINE FOR SUBMITTALS

The Planning Commission meets on the second Tuesday of each month. The completed form and other documents must be submitted to the Planning Department not later than the first working day of the month that precedes the next Planning Commission meeting at which this item may be heard.

PUBLIC HEARING NOTICE SIGN TO BE POSTED ON SUBJECT PROPERTY

The applicant is required to post a public hearing notice, provided by the Planning Department, on the property at a location specified by the Planning Department. This posting must be done one (1) week prior to the date of the Planning Commission meeting at which this item will be heard. An affidavit testifying where and when the notice was posted, by whom, and a picture

of the notice posted on the property is also required and must be returned to the Planning Department.

APPLICATION INFORMATION

PROPERTY OWNER:		
MAILING ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	EMAIL:
APPLICANT OR CONSULTANT:		STATUS: ENGINEER OTHER
MAILING ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	EMAIL:

FILING CAPACITY

- Recorded property owner as to of _____
- Purchasing (under contract) as of _____
- The Lessee/Renter as of _____
- Authorized agent of any of the foregoing, duly authorized in writing. *(Written authorization must be attached)*

SITE INFORMATION:

GENERAL LOCATION OR ADDRESS OF THE PROPERTY:
GROSS AREA/ACRES):
EXISTING CITY ZONING (CHECK ALL THAT APPLY): R-1 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5 <input type="checkbox"/> R-8 <input type="checkbox"/> R-12 <input type="checkbox"/> R-17 <input type="checkbox"/> MH-8 <input type="checkbox"/> NC <input type="checkbox"/> C-17 <input type="checkbox"/> C-17L <input type="checkbox"/> DC <input type="checkbox"/> LM <input type="checkbox"/> M <input type="checkbox"/> NW <input type="checkbox"/>
CURRENT LAND USE:
DESCRIPTION OF PROJECT/REASON FOR REQUEST:

CERTIFICATION OF APPLICANT:

I, _____, being duly sworn, attests that he/she is the applicant of this
(Insert name of applicant)

request and knows the contents thereof to be true to his/her knowledge.

Signed: _____
(applicant)

Notary to complete this section for applicant:

Subscribed and sworn to me before this _____ day of _____, 20____.

Notary Public for Idaho Residing at: _____

My commission expires: _____

Signed: _____
(notary)

CERTIFICATION OF PROPERTY OWNER(S) OF RECORD:

I have read and consent to the filing of this application as the owner of record of the area being considered in this application.

Name: _____ Telephone No.: _____

Address: _____

Signed by Owner: _____

Notary to complete this section for all owners of record:

Subscribed and sworn to me before this _____ day of _____, 20____.

Notary Public for Idaho Residing at: _____

My commission expires: _____

Signed: _____
(notary)

For multiple applicants or owners of record, please submit multiple copies of this page.

I (We) the undersigned do hereby make petition for a special use permit of the property described in this petition, and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS _____ DAY OF _____ 20_____

III. SPECIAL USE PERMIT PROCEDURE

17.09.205: TITLE AND PURPOSE:

The provisions of this article shall be known as the SPECIAL USE PERMIT PROCEDURE. The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a special use permit is required by the zoning ordinance. (Ord. 1691 §1(part), 1982)

17.09.210: APPLICATION AND SUBMITTALS:

Application for a special use permit shall be made on a form prescribed by the planning director, and shall be notarized. The application shall be accompanied by information including:

- A. A set of design drawings which shall include a site plan. The planning director or planning commission may require additional submittals such as floor plans and site and/or building elevations as deemed necessary to demonstrate the characteristics of the use being considered;
- B. A narrative depicting the operational characteristics of the use and its impact on the surrounding area, if any;
- C. Other such information as may be required by the planning director; and
- D. The fee referenced in the fee schedule. (Ord. 3127 §19, 2003: Ord. 3025 §18, 2001: Ord. 2314 §5, 1990: Ord. 1691 §1(part), 1982)

17.09.215: PROCEDURE FOR CONSIDERATION:

- A. Public Hearing: A public hearing before the planning commission shall be set for between twenty one (21) and sixty (60) days after formal acceptance, to be held on each application for a special use permit.
- B. Notice: Notice of the hearing shall be as prescribed in subsection 17.09.120B of this chapter. Notices also may be posted within the area of potential influence, if required by the planning director.
- C. Planning Commission Action: The planning commission shall determine whether the proposal conforms to the special use permit criteria and may grant or deny the application for the proposed special use permit or require such changes or impose such reasonable conditions of approval as are in their judgment necessary to ensure conformity of the criteria. They shall make specific written findings to support their decisions. A copy of the planning commission decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing and notice of the decision by the planning commission shall be published in the official newspaper within seven (7) days of the decision. The determination of the planning commission shall be made within forty (40) days after the hearing. It shall become final ten (10) days after the date of written notice of the decision has been published in the official newspaper unless appealed to the city council pursuant to subsection 17.09.125B of this chapter. (Ord. 3127 §20, 2003: Ord. 3121 §5, 2003: Ord. 3025 §19, 2001: Ord. 2901 §4, 1999: Ord. 2886 §4, 1998: Ord. 1844 §6, 1984: Ord. 1691 §1(part), 1982)

17.09.220: SPECIAL USE PERMIT CRITERIA:

A special use permit may be approved only if the proposal conforms to all of the following criteria, to the satisfaction of the commission:

- A. The proposal is in conformance with the comprehensive plan.

B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.

C. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services. (Ord. 3059 §5, 2002: Ord. 1691 §1(part), 1982)

17.09.225: APPEALS TO THE CITY COUNCIL:

An appeal by an affected person may be taken to the city council in accordance with subsection 17.09.125B of this chapter. In considering the appeal, the city council shall determine whether the proposed use conforms to the applicable special use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to the criteria. (Ord. 1844 §7, 1984: Ord. 1691 §1(part), 1982)

17.09.230: ADHERENCE TO APPROVED PLANS:

A special use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate one year from the effective date of its granting unless substantial development or actual commencement of authorized activities has occurred, or if there is a cessation of use or occupancy for two (2) years. However, such period of time may be extended by the planning commission for one year, without public notice, upon written request filed at any time before the permit has expired and upon a showing of unusual hardship not caused by the owner or applicant. (Ord. 1691 §1(part), 1982)

17.09.235: REVOCATION:

In the event of a violation of any of the provisions of the zoning ordinance, or in the event of a failure to comply with any prescribed condition of approval, the planning commission may, after notice and hearing, revoke any special use permit. The determination of the planning commission shall become final ten (10) days after the date of written notice of the decision has been published in the official newspaper, unless appealed to the city council pursuant to subsection 17.09.125B of this chapter. (Ord. 1844 §8, 1984: Ord. 1691 §1(part), 1982)

List of items required for a full and complete cell tower SUP application:

- *Inventory of Existing Sites: Must provide inventory of applicant's existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the City or within $\frac{3}{4}$'s of a mile of the border. Please include specific information about the location, height, & design of towers/antennas.*
- *Must show towers within $\frac{3}{4}$ of a mile from proposed location. No new tower may be constructed within three-quarters ($\frac{3}{4}$) of a mile of an existing tower, unless it can be demonstrated that an existing tower is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant or that another departure from this standard is needed and the applicant can demonstrate that a significant gap in coverage or capacity exists and the applicant's submittal is the least intrusive means to fill the gap in coverage or capacity. Factors to be considered in determining whether applicant has made this demonstration include those listed in subsection C of this section.*
- *Alternative Sites Analysis:*
 - *For towers in a residential zone or within two hundred feet (200') of a residential zone, or in the Downtown Core or Infill Zoning Districts, the applicant must address the City's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three (3) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.*
 - *A complete alternative sites analysis provided under this subsection may include less than three (3) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three (3) potentially available, higher ranked, alternative sites.*
 - *For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide: a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency or technology; b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.*
- *Collocation Consent: A written statement will be signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.*
- *Requirement for FCC Documentation: The applicant shall provide a copy of the applicant's FCC license or registration.*
- *Visual Analysis: A color visual analysis that includes to- scale visual simulations that show unobstructed before-and- after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view, including all equipment and ground wires.*
- *Design Justification: A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this article to the maximum extent*

feasible. A complete design justification must identify all applicable design standards under this article and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

- *Noise Study: A noise study, if requested by the City and the proposal is in or within two hundred feet (200') of residentially zoned property, in the Downtown Core or in Infill Zoning Districts, for the proposed WCF and all associated equipment.*
- *A scaled site plan clearly indicating the location, type, height and width of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities or the County), separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed tower and any other structures, topography, parking, utility runs and other information deemed by the Community Planning Director to be necessary to assess compliance with this article.*
- *Legal description of the parent tract and leased parcel (if applicable).*
- *The setback distance between the proposed tower and the nearest residential unit and the nearest residentially zoned property.*
- *The separation distance from other towers described in the inventory of existing sites submitted pursuant to this article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.*
- *A landscape plan showing specific landscape material.*
- *Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.*
- *A description of compliance with all applicable Federal, State and local laws.*
- *Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Municipality.*
- *A description of the suitability of the use of existing towers or other structures to provide the services to be provided through the use of the proposed new tower.*
- *A clear and complete written statement of purpose which shall minimally include: 1) a description of the technical objective to be achieved; 2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and 3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by an Idaho-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.*
- *Radio Frequency (RF) Emissions Compliance Report: A written report will be prepared, signed and sealed by an Idaho-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the RF emissions limits established by the FCC. The qualified employee of the applicant shall submit his or her qualifications with the application. (Ord. 3590, 2017)*

NEW TOWER CRITERIA

Zone Category	Located In Public Right-Of-Way (ROW)	Maximum Tower Height	Stealth Design	Setback From Property Lines (Does Not Apply Within ROW)
Residential R-1 through R-34 (including Infill), MH-8, NC and CC	Yes or no	75' ¹	Required	20'
Commercial C-17 and C-17L	Yes or no	76' - 90' ²	Optional ²	20'
DC	Yes or no	76' - 90' ²	Required ³	20'
Manufacturing M and LM	Yes or no	91' - 120' ⁴	Optional	20'

Notes:

1. If an applicant wants to construct a tower in a residential zone or within 200 feet of a residential zone, then stealth design is required.

2. An additional 20 feet in height is allowed if applicant uses stealth design.

3. DC Zone requires stealth design. Preferred location on top of existing structure.

4. An additional 30 feet in height is allowed if applicant uses stealth design.

Towers in industrial zones (M and LM) are subject to administrative review as long as the other requirements of this article are met. (Ord. 3590, 2017)

For information regarding the general requirements of a WCF, the required setbacks, landscaping, the preferred tower locations, the required findings, and the exceptions to the standards, see the link at the bottom of the page, and go to the specific code sections listed below:

General Requirements: 17.08.820

Setback Requirements: 17.08.830

Landscaping Requirements: 17.08.820 B.

Preferred Tower Locations: 17.08.835

Required Findings: 17.08.835

Exceptions to Standards: 17.08.845

Please contact the City of Coeur d'Alene Planning Department should you have any questions about the required WCF Special Use Permit requirements at 208-769-2274. For a copy of the City of Coeur d'Alene's Wireless Communications code, follow the link below:

https://codelibrary.amlegal.com/codes/coeurdaleneid/latest/coeurdalene_id/0-0-0-12323