



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | INTERIM DIRECTOR: Kelcey Stewart

June 16, 2021

Jodie Knopp  
Technology Associates EC Inc (TAEC)  
PO Box 190540  
[Jodie.knopp@taec.net](mailto:Jodie.knopp@taec.net)

Re: CUP21-00015 / 40 N Owyhee St

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a 35-foot tall wireless communication facility in a R-1C (Single Family Residential) zone.

The Boise City Planning and Zoning Commission, at their hearing of **June 14, 2021**, **approved** your request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: [cityofboise.org/pds-appeal](http://cityofboise.org/pds-appeal).
3. All appeals of this permit must be filed by **5:00 P.M., on June 24, 2021**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

Questions can be directed to me at (208) 608-7074 or [kholmes@cityofboise.org](mailto:kholmes@cityofboise.org).

Sincerely,



Kevin Holmes  
Senior Planner, Current Planning and Subdivisions  
Boise City Planning and Development Services

KH/mh

cc: Cynthia Rasavage / ACHD / [crasavage@achdidaho.org](mailto:crasavage@achdidaho.org)  
Jim Pickett / Depot Bench Neighborhood Association / [volleydude@gmail.com](mailto:volleydude@gmail.com)



## **REASON FOR THE DECISION**

As further detailed in the attached report, the wireless communication facility complies with *Boise City Code (BCC) 11-03-04.6* (Conditional Use Permit) and *BCC 11-06-04.2.A* (Wireless Communication Facilities). The monopole is compatible with surrounding uses as other utility poles of a similar size and height are present throughout the neighborhood providing power and traditional wired communication connections to the residents. This comparably sized pole will be doing the same for wireless communication access. It is a passive use that does not adversely impact other properties in the vicinity and will not place an undue burden on transportation or other public services. The site is large enough to accommodate the proposed use and meets or exceeds all setbacks. The applicant has demonstrated that there were no opportunities for co-location within the general area. Additionally, the monopole is in compliance with the Comprehensive Plan. *Goal CC10.1* encourages the expansion of advanced telecommunication technologies throughout Boise as a means of encouraging live/work and telecommuting. *Goal EC3* also supports protecting the economic climate for existing businesses and promoting the opportunities for expansion. Expansions in the areas coverage and capacity will not only benefit the cellular companies utilizing the monopole, but also the businesses, residents, and schools in the area which rely on the companies for services.

## **CONDITIONS OF APPROVAL**

### **Site Specific**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **March 29, 2021**, and the additional supporting documentation received **May 14, 2021**, except as expressly modified by the following conditions:
2. The monopole is allowed at a maximum height of 35 feet. Any associated equipment shall be in underground vaults.
3. The pole shall be painted a dark green to blend into the environment as much as possible.
4. No lighting is allowed with this facility.
5. This facility shall not:
  - a. Create adverse noise from generators or other accessory equipment.
  - b. Create access or grading problems.
  - c. Interfere with the safe operation of traffic control equipment.
  - d. Interfere with sight lines or clear zones for transportation or pedestrians.
  - e. Violate any applicable laws, codes, or regulations.
  - f. Result in the loss, displacement, or significant damage to a tree as may be determined by the City Forester. WCF's that will disturb a tree shall comply



with *Section 11-7-05.2(B)(8)* and *11-07-05.2(F)* and any other applicable ordinance or manual, and the applicant shall:

- i. Contact Boise City Forestry.
- ii. Utilize a tree service licensed by the City of Boise.
- iii. Mitigation may be required (*Section 7-2-14*).

### **Agency Requirements**

6. Compliance with all requirements of the following agencies:
  - a. Nampa Meridian Irrigation District;
  - b. Ada County Highway District;
  - c. Idaho Power; and
  - d. Boise City Public Works.

### **Standard Conditions of Approval**

7. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
8. Vision Triangles, as defined under *Section 11-012-03* of the Boise City Code, shall remain clear of sight obstructions.
9. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700.
10. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
11. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
12. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.



13. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
14. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
15. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time.

