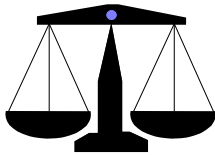


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**AUGUST 4, 2022
6:00 P.M.**

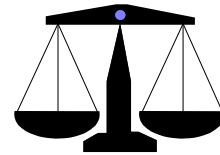
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
VLAD FINKEL
BEN TARBUTTON
JENNIFER CONNER
REBA GRYTNESS**



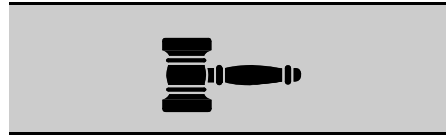
**MINUTES
PREPARED BY:**

JENNIFER CONNER
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner III



A handwritten signature in blue ink that reads "Joan C. Woodard".

JOAN WOODARD
Hearing Examiner

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Joan Woodard called the meeting to order at 6:00 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make a written recommendation to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 8:09 p.m.

HEARING EXAMINER MINUTES
AUGUST 4, 2022

CASE NO. CUP22-0004

A request by Thomas Ingle, AT&T, and Smartlink for approval of a Conditional Use Permit to construct a new Wireless Communication Facility (WCF) to provide the latest 5G and 4G LTE technology. The WCF will consist of a 150 ft. lattice tower with a 5 ft. lightning rod installed at the top of the tower and related ground equipment on a 7.13-acre parcel of land in the Agricultural Suburban zone. The unmanned tower and associated equipment will be located within a 70 ft. x 70 ft. fenced area. The tower will be galvanized steel with an anti-glare finish to blend with the surrounding vegetation.

Staff Presentation: Vlad Finkel, Planner III, started by stating why we were having this hearing in addition to another hearing later. Though the County had submitted notification to the adjacent property owners, it was brought to our attention that some of the owners were not notified. At that point it was determined that through a printing error, not all the property owners received the notification. Mr. Finkel then reached out to Kootenai County Civil Deputy Prosecuting Attorney, Pat Braden, who suggested since the County already published notice of this hearing, it would be best practice to continue with this one, and schedule a second hearing to make sure all public comments could be heard and taken into consideration.

Mr. Finkel then introduced the case with a PowerPoint presentation. The subject property is atop Potlatch Hill, and is surrounded by the City of Coeur d'Alene on all sides. This WCF is proposed to be located on a 7.13-acre parcel of land in the Agricultural Suburban zone, and would be on the west side of the parcel. The proposal will consist of a 150 ft. lattice tower of galvanized steel, finished in a non-reflective surface, with a 5 ft. lightning rod installed at the top of the tower. This tower is to provide 4G and 5G wireless service coverage. The tower will be painted a neutral color to blend in with the surrounding environment. There is limited wireless coverage east of the property. During the agency comment period, the key agencies were the Idaho Department of Transportation Division of Aeronautics, Kootenai County Airport and the FAA. The location does not present any challenges for these agencies. The other agencies are East Side Highway District, Kootenai County Fire for fire restrictions and Kootenai County Building Division for building permits.

During the public comment period, accounting for this hearing only, there were a total of 30 comments, one in favor, and 29 opposed. Some of the issues were; aesthetics, potential risk of fire, health concerns, light and noise pollution, wildlife, limited escape routes and parcel ownership. Staff understands and acknowledges the concerns. The aesthetics will be partially addressed by the surrounding vegetation. As it relates to the potential increase of fire risk, staff concurs with the analysis of Jeryl Archer, Kootenai County Fire & Rescue Division Chief/Fire Marshal. While the concerns outlined by the public are very real and valid, they have existed on Potlatch Hill for many years, and some are terrain and aspect related which will never change. As it relates to the potential health risks, the Telecommunications Act of 1996 prohibits State and local regulation of such facilities to deny an application on the basis of environmental effects of radio frequency emissions to the extent such facilities comply with FCC regulations. With regard to the ownership of the underlying parcel, in 2019 Mr. Ingle received an approval of a two lot minor subdivision in Case No. MIN19-0034, Tate Point 1st Addition which created this parcel. The final plat was recorded, including Mr. Ingle's signature. Based on this, staff has no reason to recommend denial of the request.

Applicant Presentation: Debbie Griffin, AT&T Representative, and Kim Allen, AT&T's Legal Counsel joined via Zoom to present their PowerPoint presentation. Ms. Allen explained the location and access, which is an existing logging road off Potlatch Hill Road. A 20 foot wide access drive will be added at the end of the logging road. There will be a 70x70 concrete pad that the tower will sit on, that is surrounded by a 6 foot chain link fence with privacy slats. The five foot lightning rod will connect to the ground with a ground wire. The lattice design is not solid, so it can withstand wind and snow. It will be galvanized steel with an antiglare finish. There will be 3 additional slots for other carriers, which is per code. No light, noise, fumes or added traffic. The maintenance will only require one vehicle, once per month. There were no restrictions from ESHD or KCFR.

There is another AT&T tower close by, but it is at full capacity, so this new tower is needed to offload some of the use from that tower. There are alternative towers in the area that AT&T explored, however the other locations were either too short, or too far to offload the existing tower. Building this new tower is the best option possible. The tower would be monitored 24/7 and would follow all FAA guidelines.

AT&T could not replace any current towers due to the fact that they are usually owned by other carriers. The construction process would begin with a geotechnical survey, applying for permits, and then should take 30-60 days to construct. If there is any damage, AT&T would replace or fix any issues. Ms. Allen believes the tower would be

HEARING EXAMINER MINUTES

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built off site and come in sections to be constructed on site. When other carriers are added over time, their maintenance will be the same, once per month.

Exhibit: HE-1000 – Presentation by Vlad Finkel
HE-1001 – Presentation by Kim Allen
HE-1002 – Article presented by Van Hargraves
HE-1003 – Article presented by Van Hargraves
HE-1004 – Risk Report presented by Van Hargraves

Public Testimony: Comment Sheets submitted: 37, Applicant – 0; In Favor – 0, Neutral – 1, Opposed – 36. Two people appeared via Zoom. The names and address of the individuals speaking or submitting comments are part of the record.

Thomas McCain-3702 E Sky Harbor Dr.-Neutral-Coverage area was over CDA Lake but seemed inefficient use for AT&T, and did not address coverage over Fernan Lake.

Johnny Silva-907 N Armstrong Dr.-Opposed

Cheryl Leininger-Stormy Point Lane-Opposed-Cell tower would be right in my line of vision of the view I worked so hard to afford. Houses up top will see the tower and that can't be camouflaged.

Izzet Motola-957 N Armstrong Dr.-Opposed-Building plans and site disturbance plans should be a part of this obligation. Disrespectful that the applicant did not show up.

Katrina Motola-957 N Armstrong Dr.-Opposed-How many 5G towers have AT&T built? Will there be a difference on property values? How many more will they build?

Olen Wood-956 Armstrong Dr.-Opposed

Van Hargraves MD-820 N Centennial Ct.-Opposed-Lightning data given was false. Submitted 3 articles as exhibits.

Stephen Petroskie-3114 W Pascal Dr.-Opposed

Stephanie Evans-3710 E Sky Harbor Dr.-Opposed

Elton John Bain-3706 E Sky Harbor Dr.-Opposed-Suspicious of AT&T. Will effect wildlife.

Tom Torgerson-4808 Fernan Hill Rd.-Opposed-Need to prove excessive need to approve a conditional use permit. Lattice tower is ugliest. We need to protect our valuable real-estate.

Brent Lyles-4176 E Potlatch Hill Rd.-Opposed-COE UP Global Corp. Applicant does not contribute to the community, and lied to his business partner about the project plan.

Chris Van Atta-4701 E Potlatch Hill Rd.-Opposed-Urge anyone to drive this gravel road with two 180 degree turns with a truck and trailer. Power lines are at 12 feet. Will we be insurable?

Virginia Tate-4176 E Potlatch Hill Rd.-Opposed-We are on private wells, and when they dig, it will collapse in on our well and we will run out of water. This tower will attract homeless.

Craig Coulter-4702 E Potlatch Hill Rd.-Opposed

Joel Bowlby-940 N Armstrong Dr.-Opposed-If this gets approved, he and his family will sell their home and move.

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Marcy Coulter-4702 E Potlatch Hill Rd.-Opposed-Last house on this road, on small well. With increased risk of fire there is a good chance they would not make it down.

Alissa Desancic-965 N Armstrong Dr.-Opposed-5G not safe, but been told by County staff bringing it up would be a waste of time. Lightning increases fires, which will spread uphill. No fire hydrants near proposed site. One escape route which would be blocked if there is a fire. Incredible risk if approved.

Deborah Bishop-840 N Centennial Ct.-Opposed

Shawna Lambert-847 S Bailey Ct.-Opposed-Run business from home and home school. FCC have studies that are not evidence based, and are harmful to people. Who is responsible for health issues that arise.

Stephanie Felzer-1217 S Reynolds Rd.-Opposed-Has 2 daughters that suffered sickness from electromagnetic frequencies. Got better after moving away from issues. Demanding studies be done before approval.

Greg Bishop-840 N Centennial Ct.-Opposed-Lightning is only one way these towers catch fire. Hours to shut off power to that tower. 5G is compared to riskiness of asbestos to insurance companies.

Wayne Longo-4599 Potlatch Hill-Opposed-Retired Chief of Police CDA-We know lightning causes fires, I believe we should be able to change the code to include this.

Todd Menier-3110 Fernan Hill Rd.-Opposed-Could you live with yourself if there was a fire, and you approved this? This is just so AT&T can make money.

Michelle Menier-3110 Fernan Hill Rd.-Opposed

Bryan Wheeler-4513 Potlatch Hill-Opposed-No way to turn around on this single lane road. To turn around they would have to use my driveway. Plans need to be asked for before approval.

Shelley Croal-1223 N 11th St. #A-Opposed

Ray Watkins-20 N Lakeview Dr.-Opposed-2011 over 50 acres were donated for a park to preserve the natural area just below the site.

Arlene Boutin-815 S Bailey Ct.-Opposed

Marcus Johnson-952 Rutledge-Opposed

Heidi Boehm-2920 E Fernan Hill Rd.-Opposed

Carrie Chase-7512 4th St.-Opposed- Health concerns are the biggest issues. Wireidaho.org to educate.

Sue Kuhne-2914 E Fernan Hill Rd.-Opposed

Jim Kuhne-2914 E Fernan Hill Rd.-Opposed-Attorney. All photos are from ground level, not from up top where we live. People live here for the views and beauty. Emotion is fact too.

Dayne Hanna-3005 E Fernan Hill Rd.-Opposed

Bob Meinzer-815 S Bailey Ct.-Opposed

Steve Ridenour-10515 1st St.-Opposed-Associate is a site locator for cell towers. AT&T's mission is to find the best and cheapest option. Disappointed in agencies and County staff's lack of preparation.

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No Comments via zoom. 2 attendees

Applicant Rebuttal: Kim Allen stated she will take into consideration all the comments and have more information at the next hearing.

Mr. Finkel clarified the permits that would be required if the application is approved would be a building permit, and more than likely a site disturbance permit, which would put specific stipulations on the applicant. A geotechnical analysis would be required.

The next public hearing on this Application will be September 8, 2022.

There being no further comments, testimony was closed on this item and the Hearing Examiner concluded the hearing at 8:09 pm.

Submitted by,

Jennifer Conner, Recording Secretary