

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-12-06)
EDWIN AND JOLENE HANKINSON
JULY 24, 2012

This is a report to the Flathead County Board of Adjustment regarding a request by Scott Richardson for a conditional use permit to allow for a cellular communications tower within an unmanned wireless telecommunication facility on the subject property located within the West Valley zoning district.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on August 7, 2012 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

This space will contain an update regarding the July 24, 2012 West Valley Land Use Advisory Council review of the proposal.

B. Board of Adjustment

This space will contain an update regarding the August 7, 2012 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant & Landowner

Edwin and Jolene Hankinson
1050 Hankinson Lane
Kalispell, MT 59901

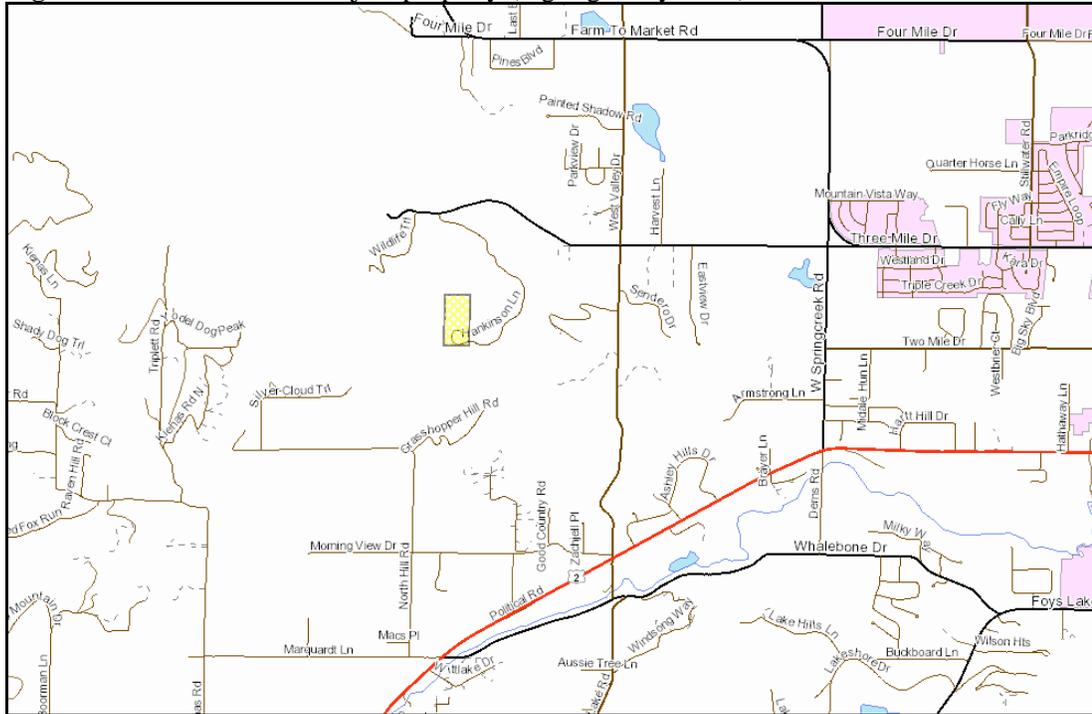
ii. Representative

Scott Richardson
1507 1st Avenue West, Suite E
Kalispell, MT 59901

B. Property Location and Size

The proposal site is located on property addressed as 1050 Hankinson Lane, approximately .75 miles west of West Valley Drive and .5 miles south of Three Mile Drive (see Figure 1 below). The property can be legally described as Assessor Tract 3B in Section 9, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana. The subject property contains approximately 20 acres of land in an area of Flathead County characterized by low-density residential and agricultural land uses.

Figure 1: Location of the subject property (highlighted yellow).



C. Existing Zoning and Land Use(s)

The property is located within the West Valley zoning district (see Figure 2 below) and is zoned as WV-West Valley, a classification described per Section 3.34 of the Flathead County Zoning Regulations (FCZR) as “a district to promote orderly growth and development in the West Valley area consistent with the community vision statements as expressed by the text and map exhibits of the West Valley Neighborhood Plan, County Resolution #1226-A.” The subject property is currently developed with a single family residential use described by the Montana Department of Revenue as ‘Farmstead Rural’.

D. Adjacent Land Use(s) and Zoning

Situated in a rural upland area of the county, adjacent properties and the area surrounding the subject property are generally forested tracts sparsely developed with residential uses. Adjacent properties located to the north, east, and west are zoned WV-West Valley, the same classification as the subject property, and adjacent properties located to the south of the subject property are un-zoned (see Figure 2 below).

Figure 2: Zoning surrounding the subject property (circled blue and highlighted yellow).

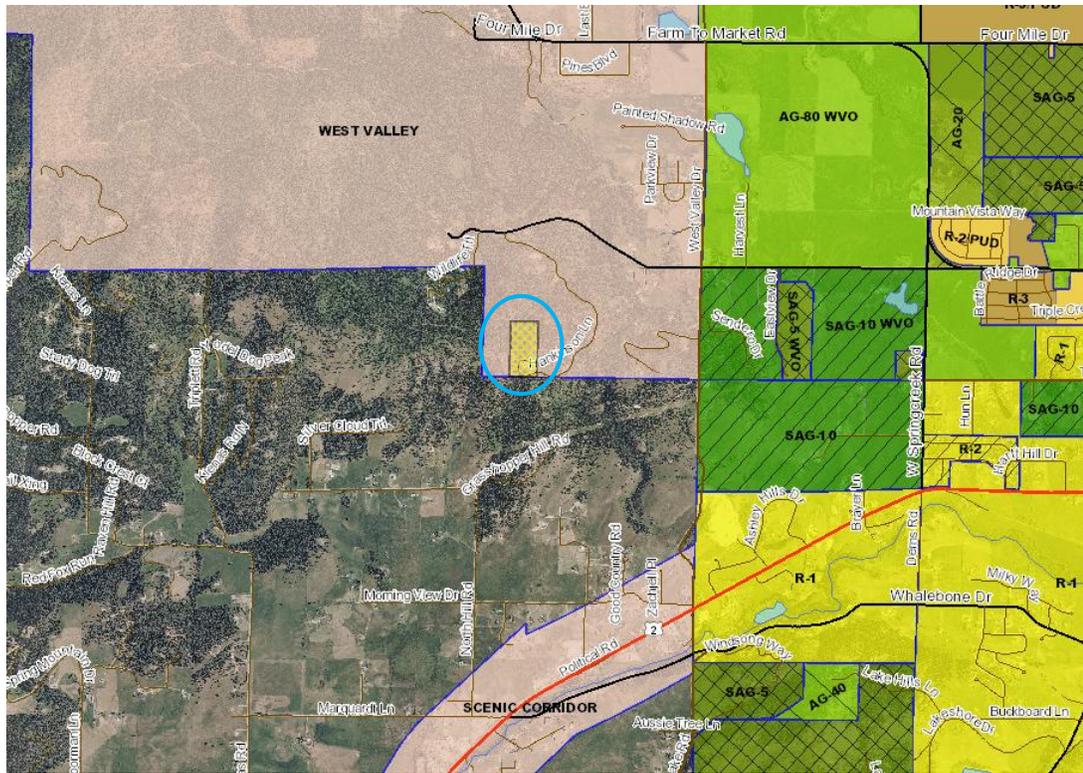


Figure 3: Adjacent land uses (subject property highlighted blue).



E. Summary of Request

The request is for a conditional use permit to allow an unmanned wireless telecommunication facility approximately 300-feet north of the residence presently situated on the subject property pursuant to Section 3.34.030(6) FCZR (see Figure 4). The proposal is for an unmanned 360ft² fenced and secured facility that would enclose an approximately 2-foot wide by 60-foot tall lattice tower and a 12-foot by 16-foot equipment building. The communication tower would be a microwave distribution site with specific necessities regarding its line-of-site functional needs, and the request is made because collocation on existing cellular facilities in the vicinity is not feasible due to the function of the proposed tower.

Figure 4: Subject property (outlined blue) and approximate tower location (shown yellow).



F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on July 13, 2012, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the July 22, 2012 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on April 26, 2012:

- Flathead County Sheriff
- Flathead City-County Health Department
- Flathead County Address Coordinator
- Jim Chilton, Flathead County Solid Waste District
- West Valley Fire District

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. Any individual wishing to provide public comment on the proposal may do so during the August 7, 2012 Flathead County Board of Adjustment public hearing on the proposal. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Nathan Holm, Flathead County GIS Department
 - The department has assigned an address to the facility as required for Enhanced 911 Communications.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations (FCZR), what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The proposed use would be situated on a hilltop area of a 20-acre tract of rural forested land which is currently developed with a residence (see Figure 1 above). As shown on the submitted site plan the proposed facility and tower would be situated approximately 300 feet north of the residence. There is sufficient area to accommodate the 60'X60' facility and the proposal appears to comply with applicable bulk and dimensional requirements of the WV-West Valley zoning district.

Finding #1 – The subject property is suitable for the proposed use in terms of size and dimension because there is adequate useable space to accommodate the functional needs of the proposed use.

ii. Adequate access

As indicated in the application, the proposed use would be accessed via public Three Mile Drive to private Hankinson Lane to the existing residence, and then along a dirt road to the actual facility location. The facility would be un-manned and would only be accessed minimally for routine maintenance.

Finding #2 – The site is suitable for the proposed use because the property has legal and physical access onto public Three Mile Drive via existing Hankinson Lane, a private dirt road situated entirely upon land owned by the applicant and able to accommodate the rare vehicle traffic created as a result of the proposed use.

iii. Absence of environmental constraints

The proposal site is located on a hilltop area situated in an rural forested area. The subject property has gentle slopes, is not designated as being within a mapped 100-year floodplain, and there are no surface waters or wetlands present on the site. There are no apparent environmental factors which would constrain the proposal, nor are there anticipated impacts to the natural environment which cannot be adequately mitigated through appropriate design.

Finding #3 – The site appears suitable for the proposed use because the location has no apparent environmental factors which would be adversely impacted or which would limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

The Flathead County Zoning Regulations do not impose parking requirements for cellular antennas and monopole facilities.

ii. Traffic circulation

The facility would be accessed very rarely and the access would serve no purpose other than maintenance of the facility. The facility lattice tower would not create a visual obstruction to area traffic, and would not impact traffic circulation in the vicinity of the subject property.

iii. Open space

Open space is not required for a project of this nature. There will be no impact to existing open space as viewed from area roads due to the remote location of the proposal.

iv. Fencing/screening

The applicant has proposed to surround the facility site with a security fence measuring eight (8) feet in height as required by Section 5.13.020 FCZR.

v. Landscaping

The property is forested and located in a relatively remote rural area. Section 5.13.020 FCZR does not specifically require landscaping for cellular communication facilities, and no artificial landscaping is proposed.

vi. Signage

The applicant proposes only signage compliant with Section 5.13.080 FCZR which requires posting of signs stating “No Trespassing” and providing an emergency contact telephone number.

vii. Lighting

Pursuant to Section 5.13.070 FCZR “*No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.*” The application indicates an exterior security light will be placed on the building, and no tower lighting is proposed for the project because the tower would be less than 150-feet tall.

Finding #4 – The design of the proposed cellular communications facility is appropriate because the use does not require parking, there is no impact to existing traffic circulation nor will the proposed use generate traffic, impacts to open space will be mitigated, the area will be fenced in accordance with regulations, the site will have no advertising signage but will comply with requirements for safety signage and safety lighting is not required.

C. Availability of Public Services and Facilities

i. Sewer

Sewer services are not necessary for the un-manned operation of the telecommunications facility, and no impact on water and sewer services is anticipated as a result of the proposed use.

ii. Water

Water services are not necessary for the un-manned operation of the telecommunications facility, and no impact on water and sewer services is anticipated as a result of the proposed use.

iii. Storm Water Drainage

No plan has been submitted for stormwater drainage. The facility would consist of approximately 200 ft² of impervious surface, and it is reasonable to expect that stormwater drainage from the facility would be adequately absorbed from soils on site.

iv. Fire Protection

The property is located in the West Valley Fire District, and it is presumed the District would provide fire protection. Although a request for comment on the proposal was sent to the District, no comment has been received, and therefore, no significant impact to the Department is anticipated as a result of the proposed use.

v. Police Protection

The facility is located within the jurisdiction of the Flathead County Sheriff's Department. Although a request for comment on the proposal was sent to the Department, no comment has been received, and therefore, no significant impact to the Department is anticipated as a result of the proposed use.

vi. Streets

The facility would be legally accessed from public Three Mile Drive and private Hankinson Lane, which is owned and maintained by the owner/applicant. There would be limited traffic attributable to the facility for maintenance purposes.

Finding #5 – The availability of public facilities and services for the proposed cellular communications facility is acceptable because cellular communication facilities have no need for sewer and/or water supply, stormwater drainage will be mitigated by minimal impermeable surfaces, demand for police service is very unlikely, fire services are available from the West Valley Fire District, and traffic will be so minimal as to have virtually no additional impact on Three Mile Drive.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The general character of the neighborhood is rural/agricultural, and the proposed use would produce very infrequent traffic generation.

ii. Noise or vibration

The proposed use would produce very little sound or vibration audible to human ears. Potential impacts to human health associated with electromagnetic emittance are not addressed in the Zoning Regulation Performance Standards for cellular communications towers (Section 5.13) or the submitted application materials, and therefore potential health impacts due to electromagnetic emittance are unknown.

iii. Dust, glare or heat

The proposed use is not anticipated to produce dust, glare, or heat that would adversely impact area residents or the natural environment.

iv. Smoke, fumes, gas, or odors

The proposed use will not generate smoke, fumes, gas, or odors.

v. Inappropriate hours of operation

The proposed use is an un-manned facility, and as such would be fully automated to operate constantly. Maintenance personnel would have the ability to access the site at any time.

Finding #6 – The immediate neighborhood impact from the proposed use is acceptable because the proposed facility will create no excessive traffic, noise, vibration, dust, glare, heat, smoke, fumes, gas or odors and hours of operation are not an important consideration for an automated cellular communication facility.

V. SUMMARY OF FINDINGS

Finding #1 – The subject property is suitable for the proposed use in terms of size and dimension because there is adequate useable space to accommodate the functional needs of the proposed use.

Finding #2 – The site is suitable for the proposed use because the property has legal and physical access onto public Three Mile Drive via existing Hankinson Lane, a private dirt road situated entirely upon land owned by the applicant and able to accommodate the rare vehicle traffic created as a result of the proposed use.

Finding #3 – The site appears suitable for the proposed use because the location has no apparent environmental factors which would be adversely impacted or which would limit the suitability of the property for the proposed use.

Finding #4 – The design of the proposed cellular communications facility is appropriate because the use does not require parking, there is no impact to existing traffic circulation nor will the proposed use generate traffic, impacts to open space

will be mitigated, the area will be fenced in accordance with regulations, the site will have no advertising signage but will comply with requirements for safety signage and safety lighting is not required.

Finding #5 – The availability of public facilities and services for the proposed cellular communications facility is acceptable because cellular communication facilities have no need for sewer and/or water supply, stormwater drainage will be mitigated by minimal impermeable surfaces, demand for police service is very unlikely, fire services are available from the West Valley Fire District, and traffic will be so minimal as to have virtually no additional impact on Three Mile Road.

Finding #6 – The immediate neighborhood impact from the proposed use is acceptable because the proposed facility will create no excessive traffic, noise, vibration, dust, glare, heat, smoke, fumes, gas or odors and hours of operation are not an important consideration for an automated cellular communication facility.

VI. CONCLUSION

Upon review of this application, the request to allow for a cellular communications tower within an unmanned wireless telecommunication facility on the subject property is supported by the review criteria and the 6 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-12-06 as Findings of Fact and approve the conditional use permit, the following 13 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

VII. CONDITIONS

1. The development and operation of the telecommunication facility on the subject property shall be in substantial conformance with the application and site plan submitted and approved by the Board of Adjustment.
2. Development and operation of the facility shall comply with the Performance Standards relating to Cellular Communication Towers as outlined in Section 5.13 of the Flathead County Zoning Regulations.
3. The applicant shall adhere to all applicable Federal Aviation Administration and Federal Communications Commission requirements.
4. The applicants shall obtain and comply with all required local, state and federal permits associated with the proposed use prior to site development.
5. The applicant/developer shall install an eight (8) foot high security fence around the facility with slats in an earth tone color.

6. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
7. The 60-foot tower shall not be lit at night unless specifically required by a federal or state agency.
8. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations, with exterior lighting specifically being side-shielded in a manner that the light source (bulb) is not directly visible as viewed from a horizontal plane at or above the bulb’s elevation above the ground.
9. In the event that additional antenna array or collocation are proposed for the facility, the applicant shall communicate with the Flathead County Planning and Zoning Office in order to determine if additional impacts warrant the necessity of an additional Conditional Use Permit.
10. The facility is approved based on the condition that it is used solely for the microwave tower and if it should cease in operation per the Flathead County Zoning Regulations, the entire facility shall be completely dismantled and removed from the property.
11. The construction activities shall be completed within one year from the date of issuance. The permit may be extended for one additional year if the permittee requests additional time prior to the expiration date.
12. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.