

Minutes - Woodbury County Board of Adjustment Meeting January 08, 2007

The meeting convened on the 8th of January, 2007 at 6:59 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Willard B. McNaughton serving as Chairperson, Corey Meister, Russell Walker, and Brian Crichton. Robert Brouillette was absent. Zoning Administrator John Pylelo and Peggy Napier were also in attendance. Present from the public were Greg Huffman, Mike Mitchell, Daniel Livermore, Lonnie Heetland, Jerry Wilke, and Charlie Bechtold. The Chairman informed those present the meeting was being audio taped.

The first agenda item was approval of the previous meetings.

Minutes of the August 7th, 2006 Board of Adjustment meeting were approved on motion by Mr. Meister; seconded by Mr. Walker; motion carried 3-0.

The second agenda item was election of 2007 Chairman and Vice-Chairman.

In the absence of Mr. Brouillette at this meeting, the Board decided to wait until all members were present before election of officers.

Motion was made by Mr. Meister to postpone voting, seconded by Mr. Meister; motion carried 3-0.

Motion was made by Mr. Crichton for Mr. McNaughton to serve as Chairman for this meeting; seconded by Mr. Meister; motion carried 3-0.

The third agenda item is a public hearing and consideration of a Conditional Use Permit application for Mr. Dan Livermore as property owner and Wireless Network Management, Inc. as owner of proposed telecommunication tower.

The next agenda item is a public hearing for the consideration of a Conditional Use Permit for construction of a telecommunication tower in rural Woodbury County.

This conditional use public hearing is warranted as telecommunication towers are not a permitted use within the AG zoning district. The conditional use permit applicants are property owner Mr. Daniel Livermore and tower owner Wireless Network Management, Inc. Representing the parties is Mr. Charlie Bechtold P.E. of Rose Engineering, Sioux City.

Wireless Network Management, Inc. has entered into an agreement with Mr. Livermore to purchase a circular 4.51 acre parcel 500' in diameter and a 20' wide access/egress/utility easement leading from an existing field entrance access point on the east side of Grundy Avenue.

The tower's proposed construction site lies within a 31.26 acre parcel in the NE ¼, SW ¼, Section 30, Arlington Township known as parcel GIS #8944 30 300 003. The tower's location is approximately 0.6 miles northwest of Merville, approximately 0.8-0.9 miles north of US Hwy 20 and 922' east of the centerline of Grundy Avenue. The proposed location of the tower's site is zoned AG (Agricultural) and is not within any floodplain. The tower's precise location is coordinates – Latitude 42° 29' 44.6730"; Longitude 96° 05.'12.9741".

No structures currently exist within the proposed tower's drop zone and the parcel is currently in pasture and enrolled in EQIP (a program designed for pasture management; i.e. fencing and splitting up pastures). The areas occupied structures are all single family dwellings with dwelling information, ownership and approximated distances from the proposed tower shown below:

<u>Address</u>	<u>Parcel information</u>	<u>Ownership</u>	<u>Approx. Distance</u>
1436 Grundy Ave.	Parcel #8944 30 100 004	June Corbin	1400'
1460 Grundy Ave.	Parcel #8944 30 300 004	Mark & Michelle Livermore	600'
1471 Grundy Ave.	Parcel #8944 30 300 001	Ray Ragan	1200'
2639 150 th St.	Parcel #8944 30 300 005	Joseph & Diane Weathers	800'
2651 150 th St.	Parcel #8944 30 400 001	Charles & Kristi Miller	975'
2663 150 th St.	Parcel #8944 30 400 005	Ronald & Heidi Ruhrer	1375'
2673 150 th St.	Parcel #8944 30 400 006	Christopher Healy	1600'
2648 150 th St.	Parcel #8944 30 400 013	David & Gloria Healy	1725'

Wireless Network Management, Inc. proposes to construct up to a 250' self supported, lattice tower with antennas and associated equipment; and a 10' by 12' concrete pad with outdoor equipment cabinets. The proposed tower will be Sabre Communications Model S3TL Series HD. The tower will be centered within the 500' diameter circular parcel and within a 50' by 50' enclosed area, with secured gating and chain link fencing 6' in height capped with 3 strands of barb wire. The enclosed area is capable of providing an unknown number of locations for future concrete pads and equipment shelters.

The tower will include the capacity for additional multiple antennae installation at yet undetermined elevations. A lightning rod and aviation beacon will cap the tower. Proposed lighting will be installed pursuant to FAA requirements and the applicant has been made aware of Woodbury County's dual lighting requirement restricting dusk to dawn white strobe lighting. The tower's base ground elevation is 1289' with a top of tower elevation of 1539'.

The tower is intended to provide enhanced telecommunications signals for Longlines Wireless and an unknown number of carriers along the US Hwy 20 corridor, the City of Merville and the surrounding area.

Long Lines Wireless, LLC of Sioux City has entered in to negotiations toward leasing space for antennae and equipment placement upon the proposed tower. Longline's antennae would be placed at the 240' elevation. Mr. Jerry Wilke, site acquisition manager for Long Lines Wireless, LLC.,

has executed an affidavit stating there are no viable collocation opportunities within a one mile distance of the proposed tower's site. Frequencies anticipated to be used by Long Lines Wireless, LLC are 1975-1980 MHZ inbound and 1895-1900 MHZ outbound. Details for future tower antennae transmission frequencies cannot be determined at this time.

For your co-location analysis be advised there are no towers or other suitable support structures within one (1) mile of the proposed tower's location. The closest towers to the proposed tower's site are:

- Approximately 5,800' (1.1 miles) south to 2668 US Hwy 20. The location of a 250' tower on the south side of US Highway 20. Tower structure parcel #8844 31 400 901 owned by Cellular, Inc of Englewood, Colorado on ground leased from Jerry Witt known as parcel #8877 31 400 001. The tower was constructed in 1998.
- Approximately 6,800' (1.3 miles) southeast to the 300 block of Fair St., Merville. The location of the town of Merville's 100' water tower. Located upon parcel #8944 32 252 001 on ground leased by the town of Merville from the Woodbury County Fair Association. No antennae are located upon the water tower. Although the city of Merville will entertain antennae location inquiries their water tower's minimal height may limit telecommunication carrier interest.

In addition to the standard tower development permit documentation provided by the office of Planning and Zoning you will find included in your reference materials copies of the following application attachments:

- Co-location Affidavit from Long Lines, LLC.
- Construction Documents including legal descriptions, survey plat, topographic survey, compound plan and elevation details.
- Tower Specifications for Sabre Communications Model S3TL Series HD which includes the specifications for the foundation of the tower's base.
- The tower's Photo Simulation showing how the tower will appear upon the parcel.
- FAA Determination Letter dated 10/20/2006 verifying no proposed obstructions issues exist.

The approximate five hundred seventy five (575) property owners within 5,280 feet of the existing parcel proposed for tower location have been notified. Also notified were City, County and State agencies including the Town of Merville, The County Engineer's Office, the Woodbury County Communications Center, The Office of Disaster and Emergency Services, The Iowa Department of Transportation, Sioux Gateway Airport and any other local airports.

The County Engineer raised two (2) issues:

- The site plan referred to a 33' right of way easement off the east side of Grundy Ave. The correct easement width should be 50', not 33'.
- The County Engineer's office indicated the existing legal description provided you for the access, egress, and utility easement will not line up with the gate; the driveway location for the parcel. This has been discussed with Mr. Bechtold and they will adjust that legal description to make sure it corresponds.

This closed Mr. Pylelo's comments.

Mr. Bechtold commented to the Board his company changed the easement from 33' to 50'. They've made revised plans and copies will be made for the Board.

Chairman McNaughton apprised the public present they had an option to have the Board postpone voting until all members were present. They also had the option to poll the members present for their opinion, and then opt to have a vote minus the absent member.

Mr. Mitchell of Wireless Network asked to poll the Board members present prior to voting.

All members and Chairman McNaughton gave a positive opinion.

Motion was made by Mr. Crichton to approve request for a Conditional Use Permit subject to the following condition:

- **Dual lighting on the tower which will provide red flashing rather white strobe lighting from dusk to dawn including but not limited to the marking and/or lighting in accordance with FAA Advisory Circular 70/7460-1 K, Obstruction Marking and Lighting, a med-dual system – Chapters 4, 8 (M-dual), and 12.**

The motion was seconded by Mr. Walker; motion carried 3-0.

John apprised the Board of zoning issues and asked for their input. He decided they needed to set a date to see the new zoning plan and review the changes made so far.

He also told them about a ISU meeting that will be held on a Saturday in March, 2007. It will be a day long event. He agreed to send the Board information when it comes to the office.

Mr. Meister made a motion to adjourn; seconded by Mr. Walker. Motion carried.

Meeting adjourned 7:38 PM.