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sent via email to: agross@co.boise.id.us

Boise County Planning and Zoning Commission
c/o: Alex Gross, Planning and Zoning Administrator
413 Main Street, P.O. Box 1300
Idaho City, Idaho 83631

RE: Supplemental Narrative Letter in Support of Application for Conditional Use Permit - Wireless Communications Facility.

Dear Planning and Zoning Commissioners:

This Supplemental Narrative Letter in Support of Application for Conditional Use Permit - Wireless Communications Facility ("Supplemental Letter") from the Applicant, Horizon Tower, addresses the following topics:

1. Explains why the Robie Creek Volunteer Fire Department ("RCVFD") parcel was selected for the proposed wireless communications facility, and why other potential locations were ruled out;
2. Rebuts the unsupported concerns and common false narrative that wireless communication facilities negatively affect property values;
3. Discusses federal laws that govern consideration of the CUP application submitted by the Applicant, including both the Telecommunications Act of 1996 and the Communications Act of 1934;
4. Identifies specific Comprehensive Plan provisions that strongly support approval of this CUP application; and
5. Briefly discusses other concerns raised in public comments that the County has received.

Each of these 5 subjects is addressed below. Additionally, together with its application for a CUP, the Applicant requests approval of a temporary "Cell On Wheels" trailer (or "COW") to provide interim wireless communications service to the area, pursuant to a mandate from the Federal Communications Commission. The COW request is made in more detail in Section 6, beginning on page

1. Location of the Proposed Wireless Communications Facility.

Although we appreciate the suggestions that we've received from neighbors for potential alternative sites for the proposed Wireless Communications Facility, all of the suggested alternative sites have been reviewed by the Applicant's team and none meet the coverage requirements mandated for the

proposed Wireless Communications Facility. Prior to submitting our CUP application, our team comprehensively researched, reviewed, and ruled out potential alternative locations, including those suggested in public comments.

The table in **Exhibit A** (attached hereto) contains a list of potential alternative site candidates that were among those considered and ruled out before landing on the RCVFD parcel, and potential site candidates suggested by neighbors that also were examined and ruled out.

To be considered a potential candidate, a parcel must:

- be located within the carriers' search ring;
- include a 50' x 50' area that is reasonably flat, on which the wireless communications facility may be constructed;
- have reasonable access; and
- be leasable.¹

Ultimately, none of the other locations considered, examined, and reviewed by the Applicant's team were viable alternative candidate sites for the proposed wireless communications facility. Reasons they were ruled out include: not leasable (in most cases, due to lack of response from the parcel owner), several were ruled out due to being within the Wilderness Ranch subdivision, some were deemed non-buildable, and others were not located within the carriers' search ring and would not provide the necessary wireless service coverage.

An aerial depiction of alternative potential site candidates that were ruled out by the Applicant's team is attached as **Exhibit C**.

One possible location that was suggested in several comments was the existing communications site located approximately 0.8 miles further up Mores Creek Rim Road, on parcel no. RP04N04E223050 (see site labeled "**Existing Comms Site (Site 2615)**," on the aerial depiction in **Exhibit B**) ("Comms Site"). Unfortunately, however, a communications tower on the existing Comms Site would not provide the necessary wireless service coverage required to serve the carriers' search ring. A propagation map depicting wireless coverage if a wireless communications facility is constructed at the Comms Site is included as **Exhibit D**. Wireless engineers reviewing the propagation map compared it to the wireless coverage of a wireless communications facility constructed at the proposed site (on the RCVFD's property), and determined that the existing communications site would provide insufficient coverage. A propagation map depicting wireless coverage if a wireless communications facility is constructed at the proposed site (on the RCVFD's property) is attached as **Exhibit E**.

Comparing **Exhibit D** (Comms Site) to **Exhibit E** (RCVFD parcel), the Comms Site would provide significantly less wireless coverage along Highway 21 and within the carriers' search ring.

¹ For a parcel to be "leasable," its owner must be willing to lease an approximate 50' x 50' area of the parcel to the tower company at reasonable terms. A sample copy of the inquiry letter Horizon Tower sent to owners of possible candidate sites is attached as **Exhibit B**.

After conducting an exhaustive review of possible locations for the proposed wireless communications facility, it was conclusively determined by the Applicant's experts that the RCVFD parcel was the only **leasable** candidate site **within the carriers' search ring** with **reasonable access** and **sufficient flat area** for a wireless communications facility. As a result, the RCVFD parcel was the only viable option.

2. Property Values.

This section of this Supplemental Letter rebuts false narratives and unsupported concerns about the impact of a wireless communications facility on property values, which was raised in public comments. We strongly encourage Planning and Zoning Commission Members to rely on facts in making their decision on this CUP application, not on unsupported assertions. The "concerns" raised in public comments are **not facts**. The facts in the record strongly support approval of the requested CUP.

Several public comments argued, without evidentiary support, that the proposed wireless communications facility would result in lower property values. This same argument gets raised at EVERY public hearing on a proposed wireless communications facility, but it is an unfounded fear, with no credible evidence to support it. In fact, there is a much greater volume of evidence supporting the argument that improved wireless coverage and service actually **increase** property values.

The articles submitted by opponents of the application do not contain evidence against the proposed wireless communications facility. In at least a couple instances, they don't even support opponents' arguments. For example, a reference guide from the U.S. Department of Housing and Urban Development (or "HUD") was submitted with the public comment in Exhibit 14 in the Record. That HUD reference guide has been out of circulation since October 25, 2012 (see bottom of page 2 of 14 in Exhibit 14 in the Record). Additionally, although it might appear on its surface that the outdated HUD reference guide cautions homes located near communications facilities, it actually only applies to homes that are "within the easement serving a high-voltage transmission line, radio/TV transmission tower, cell phone tower, microwave relay dish or tower, or satellite dish (radio, TV cable, etc)." (See bottom of page 2 of 14 in Exhibit 14 in the Record.) With regard to the proposed wireless communications facility for the RCVFD parcel, there are no homes "within the easement serving... [this] cell phone tower," so the outdated HUD reference guide simply does not apply.

Similarly, the article entitled "*Do Cellphone Towers Affect Residential Property Values?*," which also was included with the public comment in Exhibit 14 in the Record, actually includes both positions:

- "a 2018 study by Valbridge Property Advisors [] found negligible to no effect on home sale values within the quarter-mile radius "sphere of influence" of cell towers... (see p. 7 of 14 in Exhibit 14 in the Record);" and
- "a blog post from a group called Scientists for Wired Technology that details the woes -- also in 2018 -- of a homeowner who lost a deal and then hundreds of thousands of dollars off the subsequent listing price because of a "small cell" cell tower being built just 28 feet away from that house" (see p. 7 of 14 in Exhibit 14 in the Record).

But consider the difference in quality of the source for each of these two examples:

- In the first example, Valbridge Property Advisors, a nationwide company comprised of trained and licensed appraisers of real property, performed several studies that “found negligible to no effect on home sale values” located near a wireless communications facility. Valbridge Property Advisors’ report of its market studies *is* a legitimate source.
- Conversely, in the second example there was no study (it was “a blog post”), there was no mention of trained and licensed property appraisers (the group called itself “Scientists for Wired Technology” - a name that strongly suggests a bias against **wireless** technology), and the only “facts” presented in the second example involved a third-hand retelling of one person’s experience with “a “small cell” cell tower being built just 28 feet away from a home.” There is no way of knowing whether the story contained in the blog post referenced in the second example was even true. Also, the proposed wireless communications facility being proposed for a CUP is not a “small cell” cell tower, and it is not located only 28 feet away from a home.

As another example of *facts*, a case study in Eagle, Idaho, revealed no correlation between the construction and operation of a wireless communications facility and reduced property values. In fact, the opposite was true: Homes in close proximity to a new wireless communications facility actually experienced a sharper increase in value than similar homes not near a new wireless communications facility. The primary reason that a home located near a wireless communications facility increases in value more sharply is wireless connectivity. And this trend is not limited to Eagle, Idaho - several scholarly publications have noted the same thing:

- Ahlfeldt, G., Koutroumpis, P., & Valletti, T. (2017). *Speed 2.0: Evaluating access to universal digital highways*. *Journal of the European Economic Association*, 15(3), 586-625, accessible at: <https://doi.org/10.1093/jeea/jvw013> (finding that disconnecting a property from high-speed first generation broadband would depreciate its value by 2.8%, and upgrading the property to a faster connection would increase its value by 1%).
- Deller, S., & Whitacre, B. (2018). *Broadband’s relationship to rural housing values*. Staff Paper Series 591, University of Wisconsin, Agricultural and Applied Economics, accessible at: <https://ideas.repec.org/p/ecl/wisagr/591.html> (finding that remote rural housing values are positively impacted by higher access to broadband).
- Molnar, G., Savage, S. J., & Sicker, D. C. (2019). *High-speed Internet access and housing values*. *Applied Economics*, 1-14. accessible at: <https://doi.org/10.1080/00036846.2019.1631443> (finding that single-family homes with high-speed Internet capability have a 3% higher value than similar homes with poor Internet capability).

The Wall Street Journal noted the same phenomenon: See Wall Street Journal, “*How Fast Internet Affects Home Prices*,” June 30, 2015, for a discussion about how wireless service **increases** home prices.

We strongly encourage Planning and Zoning Commission Members to rely on **facts and evidence from unbiased sources**, rather than considering unverifiable internet blog posts by obviously biased sources.

A county assessor’s office is an excellent example of an **unbiased source** for information on property values. In 2018, the Ada County Development Services Department was seeing an increase in the

number of CUP applications for communications facilities, and the Ada County Planning and Zoning Commission wanted to know whether wireless communications facilities have an impact on property values. One of Ada County's associate planners emailed Ada County's Chief Deputy Appraiser to ask that question. In response, the Chief Deputy Ada County Appraiser responded:

In regards to the impact on property values, I would take the same view I had a few years ago. While it becomes very emotional for owners when they're installed, **the overall effect in the market is very minimal. In fact, we have not been able to find any measurable adjustment in the market.**

Email dated September 17, 2018, from Chief Deputy Ada County Assessor Brad Smith to Ada County Associate Planner Brent Danielson, emphasis added - see **Exhibit F** (attached) for the full email.

As another example of an unbiased information source: A series of 2018 market studies performed by Valbridge Property Advisers, which is the largest, independent, national, commercial real estate valuation and advisory services firm in North America.² To reach its conclusions, Valbridge conducted studies in multiple sub-areas of each of several metro areas (Boston, Dallas, Phoenix, and Raleigh) to determine the impact (if any) that wireless communications towers might have on residential property values. The results of Valbridge's exhaustive studies were:

- **Boston** - Cell towers have **no negative impact** on property values. Overall, the measurable difference is less than 1% in both the increasing and decreasing home price indications.
- **Dallas** - Cell towers have **no measurable effect** on property values.
- **Phoenix** - In four of five sub-areas, cell towers have **no measurable effect** on property values. In one of five sub-areas, cell towers have a nominal effect on property values.
- **Raleigh** - In four of five sub-areas, the value of properties near a cell tower increased. In one of five sub-areas, cell towers have **no measurable effect** on property values. Overall, the measurable difference was less than 1% in both the increasing and decreasing home price indications.

See summary of Valbridge's reports, last accessed September 13, 2021, at:

<http://www.valbridge.com/how-does-the-proximity-to-a-cell-tower-impact-home-values/>

Copies of the complete reports³ by Valbridge, which total over 600 pages, are available upon request.

3. Federal Law Expressly Limits Boise County's Authority.

As discussed in the Applicant's original narrative letter, the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (together, the "Acts"), are critically relevant to Boise County's review of the Applicant's CUP application, for two reasons:

² Valbridge provides independent valuation services - it is not owned by a brokerage firm or investment company.

³ Valbridge Property Advisors, Phoenix, Arizona Market Study 2 (2018); Valbridge Property Advisors, Raleigh, North Carolina Market Study 2 (2018); Valbridge Property Advisors, Boston, Massachusetts Market Study 2 (2018); Valbridge Property Advisors, Dallas, Texas Market Study 2 (2018).

- **First**, the Acts prohibits local governments from giving any consideration to the alleged and unsubstantiated health effects of radio frequency (“RF”) emissions from a wireless communications facility, if the wireless communications facility complies with the Federal Communication Commission’s regulations concerning RF emissions. In this application, several of the public comments received by Boise County staff discuss the alleged and unsubstantiated health effects of RF emissions. (See, e.g., Exhibits 13, 14, 15, and 17 in the County’s record.) The Applicant’s proposed wireless communications facility will comply with the Federal Communication Commission’s regulations concerning RF emissions, which means that all portions of public comments discussing the unsubstantiated health effects of RF emissions cannot legally be considered by the Planning and Zoning Commission or the Board of County Commissioners. (See page 21 of the Applicant’s original narrative letter in support of its CUP application for a more detailed discussion of the Acts’ prohibitions on local governments’ consideration of the unsubstantiated claims of health effects of RF emissions.)

- **Second**, the Acts state the following:

(B) Limitations

- (1) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof---

...

- (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

47 U.S.C. § 332(c)(7)(A) & (B)(i). Breaking this provision of federal law into its two component parts:

▫ Part One -

“The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof... ***shall not prohibit... the provision of personal wireless services.***”

Id., emphasis added. This first component of the Acts is easily interpreted - **Boise County may not expressly prohibit the provision of personal wireless services.** An example of an express prohibition might be a County-wide ordinance outlawing wireless communications facilities. This is ***not applicable*** to the Applicant’s CUP application, because there is no such express prohibition on wireless communications facilities in Boise County’s Uniform Land Use Ordinance.

▫ Part Two -

“The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof... ***shall not have the effect of prohibiting the provision of personal wireless services.***”

Id., emphasis added. This portion of the Acts directly applies to Boise County's review and consideration of Horizon Tower's CUP application. This provision authorizes Boise County to require Horizon Tower to submit a CUP application and comply with all standards, requirements, and findings contained in Boise County's Uniform Land Use Ordinance, ***BUT neither Boise County's Planning and Zoning Commission nor the Board of Boise County Commissioners may deny Horizon Tower's CUP application if denial would have the effect of prohibiting the provision of personal wireless services in the Robie Creek area.*** Based on the extremely limited options currently available for personal wireless services in the Robie Creek area, denial of Horizon Tower's CUP application **would** violate federal law, because denial would "have the effect of prohibiting the provision of personal wireless services."

4. **Comprehensive Plan Provisions Strongly Support Approval.**

In addition to the Comprehensive Plan goals and objectives mentioned in the original Staff Report (for the Commission's meeting on September 16, 2021), the wireless communications facility meets the following Comprehensive Plan goals and objectives:

Forecast Needs

Boise County citizens have indicated that education is a critical component of the county's quality of life. The three school districts have actively supported long-range planning to identify growth needs and school facilities.

Based on population growth in Boise County, new and renovated school facilities will be necessary to accommodate the increasing enrollments. A new junior and senior high school were built and opened for the 2009 school year in Garden Valley, and new elementary classrooms are needed in Horseshoe Bend.

As Boise County's School Districts are located in remote areas, field visits to other facilities are difficult. It is important to have excellent telecommunications systems. This requires upgrading library media centers and establishing telecommunication networks in all classrooms.

The challenge for the county's small districts will be to provide the financial support necessary to give students the best possible tools and skills for this technological age. The districts will need to seek a combination of funding sources including local, state, national, corporate, and private.

The districts will also need to join the county in carefully monitoring application of the funding formula enacted by the Idaho Legislature, the status of the state endowment lands, and management of the federally managed land which impacts the property tax base.

GOAL:

To encourage a superior education which will prepare each student to be a productive citizen and to provide a physical environment in which quality teaching and learning can thrive.

(Chapter 3, "School Facilities and Transportation," Comprehensive Plan, p. 12, emphasis added.) As we saw during government's response to the COVID-19 pandemic, high-speed wireless communications facilities are crucial to ensuring the availability of educational resources outside of traditional school facilities.

Future Conditions

The future of Boise County's economy lies in continued timber management and harvesting; positive support for agriculture and grazing operations; mining opportunities; continued diversification in the economy for retail, light industrial, and service opportunities; and maintaining an attractive mountain environment which attracts residential development for both the seasonal and permanent residents. No longer can the County depend solely on continued timber management and harvesting, agriculture and grazing operations and mining opportunities. In today's public view of the extractive industries that built Boise County and Idaho itself, environmental impacts and the preservation of water sheds, view sheds and endangered species will continue to challenge the subsistence level of these activities.

Issues that need to be addressed, in supporting continued economic development in Boise County, include:

- 1) The capacity of the infrastructure, such as transportation, utility services (for uninterrupted computer, telephone uses, power, and public TV),
- 2) Banking and other business services, and
- 3) Medical services

(Chapter 4, "Economic Development," Comprehensive Plan, p. 19, emphasis added.) **Infrastructure capacity**, specifically of computer and telephone uses, is among the "[i]ssues that need to be addressed, in supporting continued economic development in Boise County." The proposed wireless communications facility is exactly the infrastructure necessary to increase the capacity of these services.

GOAL:

- To promote a well-balanced diversified economy to protect and enhance the quality of life for the citizens of Boise County.

OBJECTIVES:

. . .

7. Encourage the commercial development of some of the private and public hot springs locations.

8. Encourage development of cell phone coverage and wireless internet coverage for all of Boise County.

9. Work with the industries involved in the use/development of natural resources to promote local

. . .

GUIDELINES FOR IMPLEMENTATION:

1. Work with the industries involved in the use and development of natural resources to promote local employment opportunities, recreation and potential revenue sources.
2. Implement a screening and landscaping mitigation process for any development along scenic highways and other travel corridors through the Boise County Unified Land Use Ordinance.
3. All new growth should pay for itself. Research ways to make this possible.
4. Support the upgrading of electrical power service to reduce outages.
5. Promote improved phone service including a high-speed digital communication system for the county to encourage home businesses and capital improvements.
6. Study options for alternative funding sources for capital improvements (local option sales tax, impact fees, user fees), and support those deemed most compatible with the county's philosophies.

(Chapter 4, "Economic Development," Comprehensive Plan, p. 20, emphasis added.) This is perhaps the most obvious objective met by the proposed wireless communications facility. Importantly, the objective says "**encourage** development of cell phone coverage and wireless internet coverage for all of Boise County." To "**encourage**" development of cell phone and wireless internet coverage is much more active than simply "**allowing**" development of cell phone and wireless internet coverage, and denying the CUP application for a wireless communications facility would directly contradict this objective.

Other uses allowed under rural residential land use include appropriate agricultural and forest uses, public or semi-public facilities compatible to the agricultural and residential use, and necessary utility installations. Densities greater than one home per platted or recorded lot shall not exceed those required for a sufficient septic and water system.

(Chapter 5, “Land Use,” Comprehensive Plan, p. 25, emphasis added.) The Comprehensive Plan recognizes that “necessary utility installations” must be allowed in areas of rural residential land use, such as the location proposed for the wireless communications facility. To require wireless communications facilities to be constructed a far distance away from where they are needed would make no sense.

OBJECTIVES:

1. To manage natural resources for long term sustainability.
2. To encourage best management practices, as defined by the state, in the utilization of timber, range, and agricultural lands.
3. Any development, including residential, commercial, and industrial should minimize impact upon natural resource areas.
4. To support the County’s position that state and federal agencies shall consult and coordinate with the County on use of public lands.
5. To give timber uses a high priority in making land use decisions in the county and to protect such uses from detrimental impacts.
6. To set design standards that provide for minimal impact on timberland by rural residential subdivisions, and require that developers pay for the cost associated with such impact.

(Chapter 6, “Natural Resources,” Comprehensive Plan, p. 33, emphasis added.) One of the best ways to protect timber uses from detrimental impacts is to ensure a rapid, coordinated response by emergency services personnel in the event of a wildfire. Currently, the lack of cellular (or radio) service in the area around the proposed location should be very concerning to residents (and to the timber industry).

CHAPTER 7 HAZARDOUS AREAS

Hazardous Areas - The County’s potential hazards include wildfires, steep slopes, erosion, flooding, landslides, avalanches and earthquakes. Groundwater contamination is also a potential hazard due to subsurface sewage disposal. The Boise County All Hazards Mitigation Plan with a Hazard Vulnerability Analysis was developed in November 2005. The plan was updated in 2017 and approved in 2018. The Plan can be found at the Boise County offices.

- **Hazardous Areas** -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snow slides and avalanches, and floodplain hazards.

Wildfires - 84% of Boise County is state or federally managed, which consists mostly of forestland, and is highly susceptible to wildfires during the hot summer months. During the past few years, there has been building in or near forestlands which makes the possibility of loss of life or property much greater. Given the right conditions, any fire or group of fires may explode and extend beyond immediate control of any protection agency. The county has endured many such incidents, some of considerable size, throughout its history.

(Chapter 7, “Hazardous Areas,” Comprehensive Plan, p. 34, emphasis added.) Although the proposed location for the wireless communications facility is not in a hazardous area, the service generated by the wireless communications facility certainly will serve hazardous areas, particularly in the event of a

natural disaster. The proposed wireless communications facility is needed to ensure that first responders can coordinate and respond in case of an emergency.

CHAPTER 8 PUBLIC SERVICES AND UTILITIES

Introduction

The projected population and development growth in Boise County will require a corresponding expansion of public facilities and services. The adequate provision of public services is an important component in the "quality of life" enjoyed by the citizens. All land use planning decisions should evaluate the effects of new development on the delivery of public services. Since development in the outlying areas of the county can be more costly to serve than development adjacent to areas of existing development, land use decisions should consider costs and benefits of any new development.

(Chapter 8, "Public Services and Utilities," Comprehensive Plan, p. 37, emphasis added.) The first line of Chapter 8 of the Comprehensive Plan recognizes that increased population and development necessarily require "a corresponding expansion of public facilities and services." The proposed wireless communications facility will contribute to improved infrastructure that will enable a corresponding expansion of public facilities and services to happen without excessive public costs.

Fire Protection - Fire protection is an important public service particularly in a county with high forest interface. In Boise County, fire protection services are provided through a number of different entities (principally, fire protection departments and districts for structures, vehicles, and wildland within their jurisdiction). The ten (10) volunteer fire departments work under a Mutual Aid Agreement for mutual aid on state and federal lands in Boise County. The State and Federal agencies have designated zones within the County that are the responsibility of one State or Federal agency no matter who the property belongs

(Chapter 8, "Public Services and Utilities," Comprehensive Plan, p. 39, emphasis added.) This section of the Comprehensive Plan recognizes that fire protection services, which are provided by a number of different entities (including fire protection districts and volunteer fire departments), provide an important public service. Due to the patchwork of entities that provide fire protection services, reliable communication systems are critical to public safety and coordination of emergency services. The proposed wireless communications facility will improve the reliability of communications between emergency service providers

Other Fire Protection Agencies - The United States Forest Service, Bureau of Land Management and Idaho Department of Lands have completed an agreement that designates specific zones within the State of Idaho. The agency assigned to each zone, no matter the ownership, is the primary agency to respond to their zones. Boise County falls within zones of each of the 3 agencies. None of the agencies will respond to structural fires unless that fire is threatening the forest. The fire departments in the county have mutual aid agreements with each other, the Idaho State Department of Lands, and the U.S. Forest Service. All the departments and districts have radio capabilities to communicate with each other and the Boise County Sheriff's dispatch.

(Chapter 8, "Public Services and Utilities," Comprehensive Plan, p. 40, emphasis added.) Although the departments and districts have radio capabilities, the mountainous terrain of Boise County often limits the transmission of communication signals, which means that more wireless communications facilities are needed to ensure a seamless flow of communication between the several fire protection districts and volunteer fire departments. Based on information received from the Robie Creek Volunteer Fire Department, the proposed wireless communications facility is necessary for its communications.

Since 2015, Cell phone reception can be obtained in most city areas. There are tower sites in the Horseshoe Bend, Garden Valley, Idaho City and Lowman. There is some cell reception in the Garden Valley Crouch area and Horseshoe Bend, from some mountain-tops. Future sites are planned throughout the corridors of Boise County to establish better communications for the public and emergency services as well.

Internet access is available via satellite, wireless, DSL and dial up throughout Boise County.

(Chapter 8, “Public Services and Utilities,” Comprehensive Plan, p. 44, emphasis added.) The proposed wireless communications facility is among the “future sites [] planned throughout the corridors of Boise County to establish better communications for the public and emergency services as well,” as expressly noted in this section of the Comprehensive Plan. Failure to approve the proposed wireless communications facility would directly contradict Boise County’s Comprehensive Plan.

GOAL:

To promote the social and economic needs of the county by identifying and providing adequate infrastructure and services to meet those needs.

OBJECTIVES:

. . .

designed to enable seniors to continue to live in their personal residences.

12. Encourage the availability of up-to-date technology for county residents while developing policies on the placement of facilities to bring those services to the county.

13. Promote a more reliable electrical service and support Idaho Power’s efforts in this endeavor.

(Chapter 8, “Public Services and Utilities,” Comprehensive Plan, p. 47, emphasis added.) This section of the Comprehensive Plan applies directly to the proposed wireless communications facility, which, once constructed, will greatly improve the infrastructure available to meet the social and economic needs of the county. Additionally, it will encourage the availability of the most up-to-date communications technology for residents of Boise County.

GUIDELINES FOR IMPLEMENTATION:

1. Identify needs for cemeteries expansion or formation and support efforts to accomplish those goals including supporting the communities of Horseshoe Bend and Idaho City in:
 - a. expanding their current cemetery sites, and
 - b. working with community members in Garden Valley to acquire land, and form a community cemetery either through formation of a district or part of a governmental entity.
2. Priority is support of existing public service facilities and services.
3. Develop fairgrounds in the county.
4. Work with the state legislature to spread costs in a statewide system to deal with catastrophic criminal cases and the court system costs attributed to out-of-county residents.
5. Fire protection:
 - a. Review the costs and benefits of consolidating fire districts; and,
 - b. Support continued coordination between fire districts.
6. Enforcement of health standards through the appropriate health authority.

(Chapter 8, “Public Services and Utilities,” Comprehensive Plan, p. 48, emphasis added.) Additional communications infrastructure is necessary to “[s]upport continued coordination between fire districts.” The proposed wireless communications facility provides that infrastructure.

These twelve provisions from the Comprehensive Plan all strongly support approving the Applicant’s CUP application. Additional Comprehensive Plan provisions that support approving the CUP application

were mentioned in the September 16, 2021 Staff Report. Based on compliance with the Comprehensive Plan, the Applicant is entitled to approval of its CUP for the proposed wireless communications facility.

5. Rebutting Other Concerns Raised in Public Comments.

Topics raised so far in public comments can be grouped into five categories:

- a. Health impacts of RF emissions. There is no scientifically-proven link between RF emissions and health impacts. More importantly, though, as discussed in detail above (see Section 3), federal law prohibits the Planning and Zoning Commission from considering alleged health impacts of RF radiation in making its decision on the Applicant's CUP application.
- b. Property values. As discussed in detail above (see Section 2), a wireless communications facility simply has no negative impact on property values. In fact, the opposite is true: It has been proven numerous times by numerous unbiased, independent studies that the improved telephone and Internet connectivity that results from being near a wireless communications facility actually *increases* property values.

- c. Location. At least a couple of commenters simply want the proposed wireless communications facility built somewhere else. This is the most common response seen by applicants for wireless communications facilities. Essentially, it is the classic "*We understand that it is necessary, but Not In My Back Yard*" sentiment expressed by neighbors of almost any proposed infrastructure project. Some commenters want the wireless communications facility to be moved far away from the population, which is unworkable - wireless communications facilities go where the people are. A wireless communications facility located in a remote part of Boise County, away from the populated areas of the County, would serve no purpose.

As discussed in Section 1, above, numerous other locations were considered and thoroughly examined by the Applicant's team before landing on the RCVFD parcel. Ultimately, all other potential site candidates were ruled out and eliminated as options, leaving only the RCVFD parcel.

- d. Views. The only way to ensure that a view remains the same is to buy all of the land (or a view easement for all of the land) as far as the eye can see. Absent that, there is no way to prevent someone else from exercising their Constitutionally-protected private property rights to use their property as they see fit. In this case, Horizon Tower, the Applicant, has a binding lease with the RCVFD, and that lease contains a Constitutionally-protected private property right.

There is no protected view corridor in the location of the RCVFD property - numerous power poles and power lines already crisscross the area (see image on pg. 7 of the Applicant's original narrative letter), homes, fences, roads, and other man-made structures and objects already dot the otherwise natural landscape, and there are

innumerable other ways in which residents of this area already negatively impact each other's views.

The proposed wireless communications facility is a skinny monopole design, not the thicker "lattice-tower" or "guyed tower" designs. (See pg. 4 of the Applicant's original narrative letter for images of "lattice-tower" and "guyed tower" -style wireless communications facilities.)

- e. Wildlife. At least a couple of commenters raised unsubstantiated concerns about the impact a wireless communications facility might have on wildlife. Unlike a road travelled by cars and trucks, which has an obvious impact on wildlife, a wireless communications facility will have no impact on wildlife. If anything, the improved communications signal resulting from the proposed wireless communications facility will have a very positive effect on wildlife, in that emergency services personnel will be able to coordinate their response to wildfires much more quickly and efficiently, thereby preserving habitat. And before anyone raises concerns about increased truck traffic due to maintenance of the proposed wireless communications facility - the site might have one maintenance visit per month (if that), by one person in a typical quarter-ton pickup truck (e.g., Ford F-150 or GMC 1500). Any increase in traffic due to the proposed wireless communications facility will be so minimal that it likely will go wholly unnoticed.

The concerns raised in comments are not facts, and none of the concerns raised thus far by commenters include any facts. The issue before the Planning and Zoning Commission is whether the proposed wireless communications facility meets the standards contained in the ULUO and the Comprehensive Plan, which it does. On that basis, we respectfully ask the Planning and Zoning Commission to approve our CUP application.

6. Cell On Wheels Request - Temporary, Interim Use.

The Applicant hereby amends its CUP application to include a request to place a temporary Cell On Wheels trailer (or "COW") on the RCVFD property, where it will be operated to enable the wireless communications service provider to comply with a mandate from the Federal Communications Commission requiring personal wireless service to be provided in the area by the end of 2021.

The Applicant's request to locate and operate a COW on the RCVFD property hereby is included with, and made a part of, the Applicant's CUP application for a wireless communications facility; however, the Applicant asks the Planning and Zoning Commission (and, if necessary, the Board of County Commissioners) to separately decide the Applicant's COW request and the Applicant's wireless communications facility request.

Images of various types of COWs are included in **Exhibit H** (see attached). The Applicant included images of several types of COWs because the Applicant is unsure exactly what type of COW will be available for use on the RCVFD property, when that time comes. If the Planning and Zoning Commission desires to approve the Applicant's COW request with conditions of approval, we respectfully request

that any limitation on the COW's duration of operation on the RCVFD property provide enough time for final adjudication of the Applicant's CUP application for the wireless communications facility and construction of such wireless communications facility.

As mentioned above, the provider of personal wireless services is under a mandate from the Federal Communications Commission to provide personal wireless services in this area. Due to timing concerns (including that the Applicant's CUP application was rescheduled, with the Applicant's consent, from the September 16, 2021 Planning and Zoning Commission meeting to the October 21, 2021 Planning and Zoning Commission meeting), the Applicant likely cannot meet the Federal Communications Commission's deadline (end of 2021) to get the wireless communications facility built and operating. As a result, the Applicant also requests approval for temporary use of a COW. Additional information on the COW will be presented at the Planning and Zoning Commission's meeting on October 21, 2021.

CONCLUSION.

Based on the objective facts in the Record, which clearly demonstrate that the proposed wireless communications facility complies with the ULUO and the Comprehensive Plan, we respectfully request that the Planning and Zoning Commission approve our application for a CUP for a wireless communications facility.

The Applicant's team will be present at the Planning and Zoning Commission's public hearing now scheduled to occur on Thursday, October 21, 2021, and we will be prepared to offer a presentation and answer any questions from Planning and Zoning Commission Members. The Applicant also reserves its right to offer materials and information during the meeting on October 21 to rebut concerns and arguments raised in public comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua J. Leonard', written in a cursive style.

Joshua J. Leonard

EXHIBIT A

List of Some of the Potential Site Candidates that were Ruled Out

Parcel No.	Address	Reason Not Selected
RP083040000660	Whitehawk Way	Contacted owner via mail, but received no response. This property is located within the Wilderness Ranch subdivision.*
RP04N04E28724C	132 Mores Creek Rim Rd.	Contacted owner via mail, but received no response.
RP08304000059A	39 Elk Run Rd.	Contacted owner via mail, but received no response. This property is located within the Wilderness Ranch subdivision.*
RP04N0E287248	122 Mores Creek Rim Rd.	Contacted owner via mail, but received no response.
RP04N04E287252	Chaparra Rd.	Contacted owner via mail, and this was the first candidate to respond and confirm interest. While in the early stages of negotiations, we were contacted by the owners of parcel number R-083040000200 (13 Whitehawk Circle), which was a much better candidate, in terms of both coverage and constructability. (Upon closer examination of this parcel, constructability concerns arose: Due to a very steep grade, the access road would be prohibitively expensive to construct.) This property is located within the Wilderness Ranch subdivision.*
RP083040000140	Whitehawk Way	Contacted owner via mail, but received no response. This property is located within the Wilderness Ranch subdivision.*
RP04N04E290150	Whitetail Run	Contacted owner via mail, but received no response. This property is located within the Wilderness Ranch subdivision.*
RP08304000028A	6 Mule Deer Place	Contacted owner via mail, but received no response. This property is located within the Wilderness Ranch subdivision.*
RP04N04E287242	128 Mores Creek Rim Rd.	Contacted owner via mail, but received no response. Then located a phone number and contacted the owner via telephone. Initially, the owner indicated slight interest, but shortly thereafter notified Horizon Tower staff that they did not want to lease their property.
R-083040000200	13 Whitehawk Circle	This property is located within the Wilderness Ranch subdivision.* This was the primary site candidate for several weeks, but lease negotiations stalled when the Vice President of the Wilderness Ranch Homeowners Association ultimately communicated to the site acquisition team that "the Association would strongly oppose that and resort to litigation if necessary." (See email from Wilderness Ranch Owners Association Vice President Andrew Chasan to Sarah Neace of Horizon Tower - Exhibit G , attached.)
RP04N04E223050	0 Mores Creek Rim Road	This is the existing Comms Site, which is located on the easternmost portion of a 560-acre parcel owned by Black Creek Limited Partnership. This was among the sites suggested by neighbors at the July 16 neighborhood meeting and in subsequent public comments. Immediately after the July 16 neighborhood meeting, Horizon Towers staff visited the site and determined that it would provide insufficient area coverage. Their determination was subsequently confirmed by Verizon's engineers - please see attached Exhibit D .

EXHIBIT B

Aerial Depiction of Some of the Potential Site Candidates that were Ruled Out

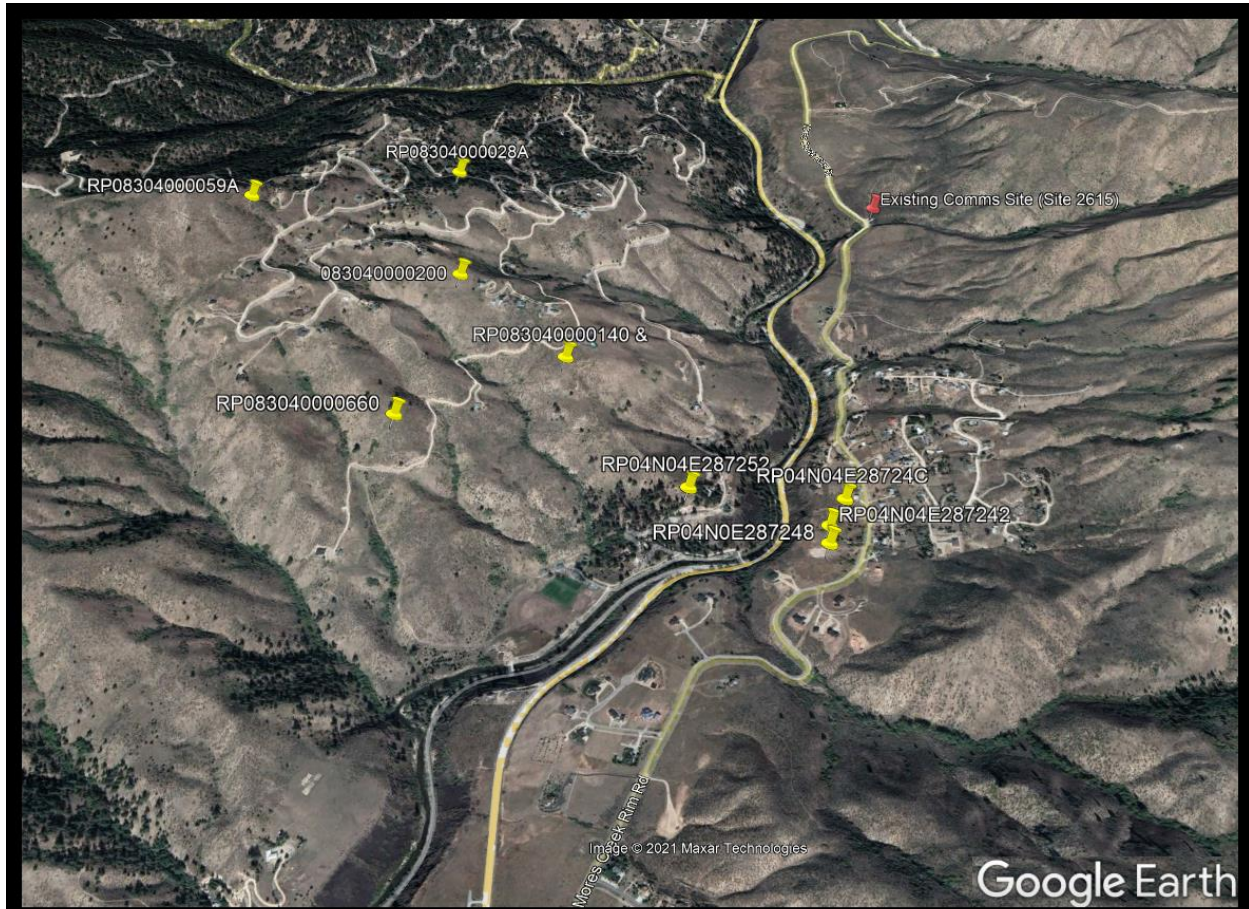


EXHIBIT C

Sample Letter from Horizon Tower to Owners of Potential Site Candidate Parcels



January 11th, 2019

Re: Property Candidate for Proposed Wireless Facility

Dear Property Owner:

Horizon Tower, LLC, represents various wireless telecom carriers, such as AT&T Wireless, Verizon, T-Mobile, Metro PCS and Sprint PCS, among others, in assisting with site development needs for network coverage locations.

We have identified a need for a site in the Hwy 21 corridor area, near or adjacent to your property referenced above.

We are preliminarily trying to ascertain whether or not you have any interest in leasing an approximate 50' x 50' area, together with access and utility easements for the purpose of building a wireless facility.

If you are interested in discussing this matter further, please contact me at _____ or feel free to correspond with me by e-mail at: _____ We would like to make a decision within the next sixty (60) days.

Thank you for your consideration.

Sincerely,

HORIZON TOWER, LLC

EXHIBIT D

Propagation Map Showing Wireless Coverage if Wireless Communications Facility Constructed at Existing Comms Site

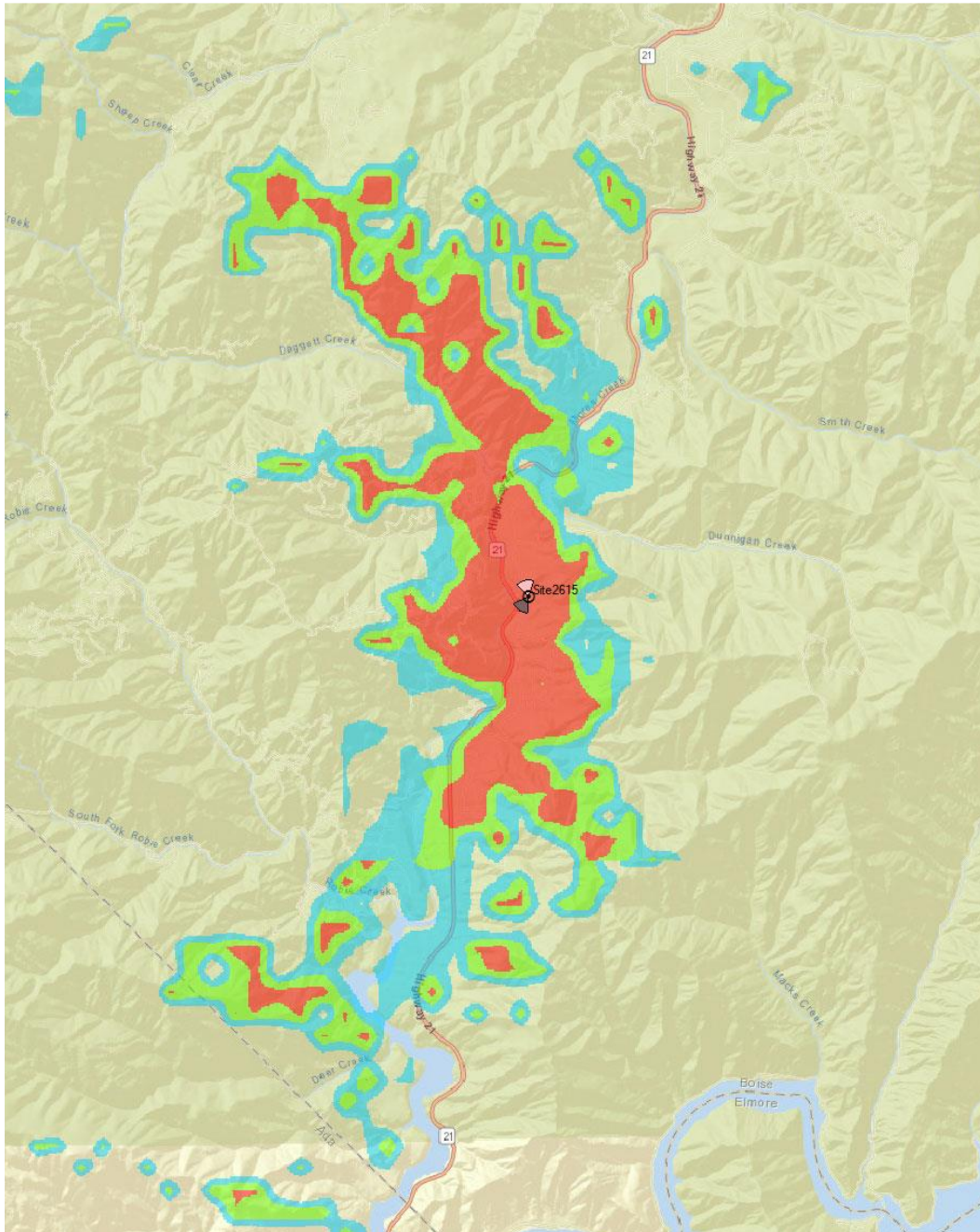


EXHIBIT E

Propagation Map Showing Wireless Coverage if Wireless Communications Facility Constructed at Proposed Site (RCVFD's Parcel)

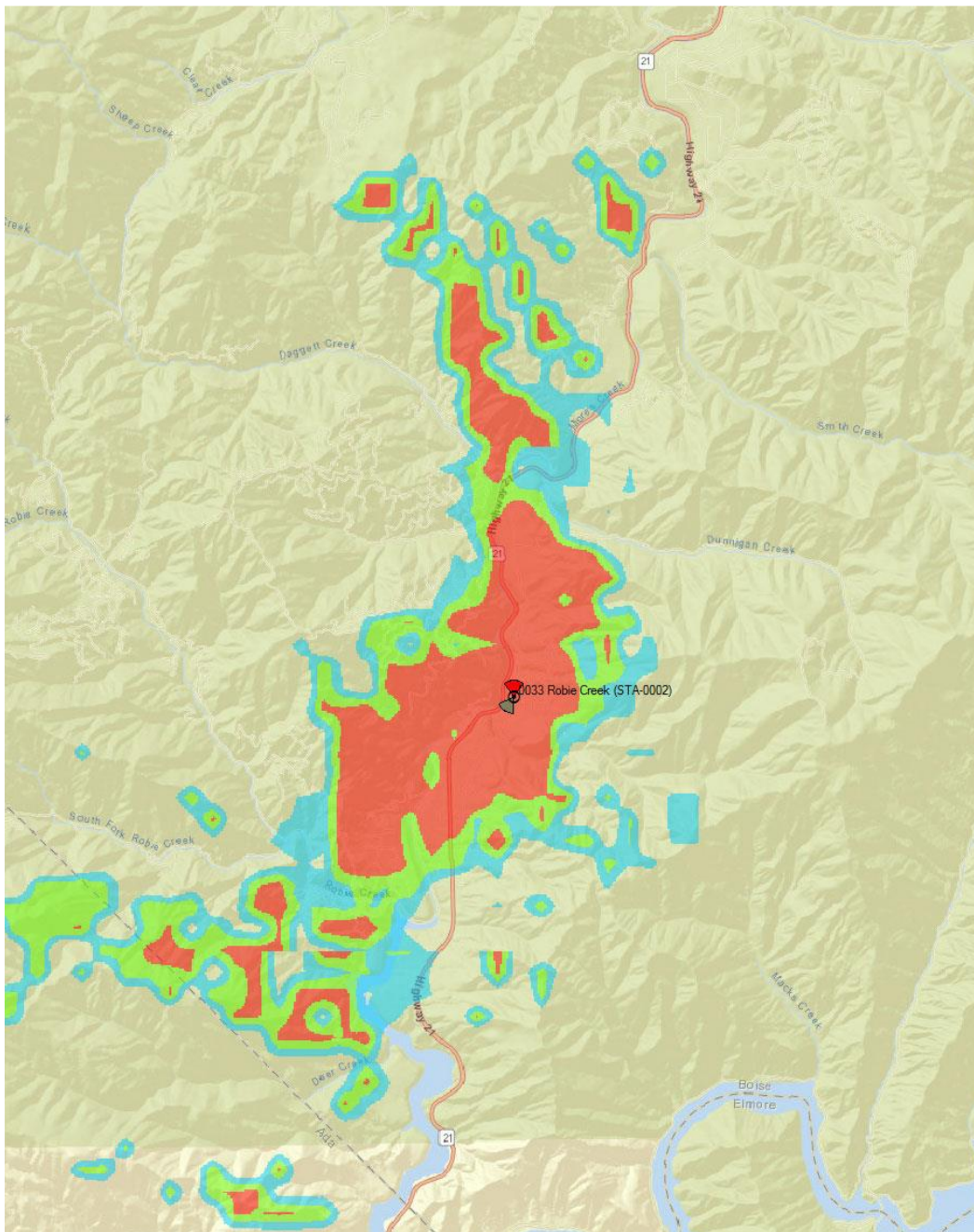


EXHIBIT F

**Email dated September 17, 2018, from Chief
Deputy Ada County Assessor Brad Smith to Ada
County Associate Planner Brent Danielson**

From: Brad Smith
Sent: Monday, September 17, 2018 1:46 PM
To: Brent Danielson
Cc: Jason Boal; Erin Brady
Subject: RE: Cell Tower Questions

Brent,

We have 169 cell phone towers that we're aware of but that does not include roof top or those located on operating property which are assessed by the Idaho State Tax Commission. In regards to the impact on property values, I would take the same view I had a few years ago. While it becomes very emotional for owners when they're installed, the overall effect in the market is very minimal. In fact, we have not been able to find any measurable adjustment in the market. Of course, if you have two lots exactly the same with the exception of a tower in the rear and they have the same asking prices. I know I would buy the one that doesn't have the tower, so I'm sure there is some impact in the market. I cc'd Erin, she's the appraisal supervisor and she may have an different perspective? I hope this helps.



Brad Smith
Chief Deputy

Ada County Assessor's Office
Administrative Department
190 E. Front St., Boise, ID 83702
(208) 287-7223

EXHIBIT G

Email dated May 23, 2021, from Wilderness
Ranch Owners Association Vice President

From: Andrew Chasan <[REDACTED]>
Sent: Sunday, May 23, 2021 11:24 AM
To: Sarah Neace
Cc: Sandy Moser; Shelly; Wilderness Ranch
Subject: Proposed Cell Tower Project at Wilderness Ranch

Sarah Neace

New Site Development

Horizon Tower, LLC

Hello Sarah

I am writing in behalf of the Board for the Wilderness Ranch Owners Association. The Board has a number of serious concerns that will prevent approval regarding the erection of a cell tower on an individual owner's property.

The Covenants prohibit any property from being used for the conduct of a business. The Board is allowed to consider whether a business is a personal business activity and whether or not the proposed activity will be incompatible with the residential atmosphere of the development. The Board has serious concerns that an 80 foot cell tower surrounded by a 50x50 six foot fence is compatible with the residential atmosphere and believes it would negatively impact the neighbors in the vicinity near the location of the tower.

The Board is also concerned that the location proposed for the tower will not provide cell phone service for the entire population of the Wilderness Ranch development. The Board believes that a location within the common area owned by the Association or on the top of the mountain on property located in Zephyr Ridge would better serve the community.

Finally, the Board has learned that an owner intends to move forward and allow you to construct a cell tower. If this is true, the Association would strongly oppose that and resort to litigation if necessary. The Board is hopeful that this will not be necessary and thank you for your cooperation.

Sincerely,

Andrew Chasan
Vice President
Wilderness Ranch Owners Association
[REDACTED]

EXHIBIT H

Images of Various Styles of Cell On Wheels Trailers (or “COWs”)

