

ORDINANCE NO. 2001-08-01

AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE SITING OF TELECOMMUNICATIONS TOWERS, ANTENNAS AND FACILITIES WITHIN ONEIDA COUNTY, IDAHO, EXCLUDING INCORPORATED CITIES.

WHEREAS, the United States Congress adopted the Federal Telecommunications Act of 1996, which encourages the growth of the telecommunications industry through deregulation, while confirming local government's ability to regulate the installation of Personal Communication Services (PCS), wireless communication facilities, and related telecommunication facilities for reasons of health, safety and aesthetics; and,

WHEREAS, the Oneida county board anticipates that there will be inquiries regarding applications for the installation and operation of telecommunication towers, antennas, and related facilities; and,

WHEREAS, the proposed ordinance was considered by the Oneida County Board of Commissioners at a duly notice public hearing on August 13, 2001.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ONEIDA COUNTY, IDAHO:

The Board of County Commissioners of Oneida County, Idaho, hereby adopts the following regulations as Chapter 10 of Oneida County Development Code:

TELECOMMUNICATIONS TOWERS, ANTENNAS AND RELATED FACILITIES

The purpose of this chapter is to provide a set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations contained herein are designed to protect and promote public health, safety, and the community welfare of Oneida County. To encourage managed development of telecommunications infrastructure, while not unduly restricting the development of needed telecommunications facilities.

The County shall apply these regulations to accomplish the following:

1. Minimize adverse visual effects of telecommunication towers, antennas, and related facilities through design and siting standards.
2. Maintain and ensure that a non-discriminatory, competitive, and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community.

3. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of the Oneida County citizens.
4. Protect environmentally sensitive areas of Oneida County by regulating the location, design, and operation of telecommunications facilities.
5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate more than one provider.

Furthermore, this Chapter is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by Idaho Statutes or as preempted by Federal Law.

**Exempt from County Review:** The following shall be permitted without County approvals:

1. The use of all television antenna, satellite dishes and receive only antennas, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property.
2. Amateur Radio: This Chapter shall not govern the installation of any antenna and their supporting towers, poles, and masts that is owned and/or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas.
3. Mobile services providing public information coverage of new events of a temporary or emergency nature.
4. Free standing (Ground Mounted Antenna) antennas (not supported on or attached to a building) and their supporting towers, poles, or masts and their equipment buildings, one hundred twenty (120) square feet or less in size, may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of twenty (20) feet above the original grade at the site of the installation.
5. Antennas installed on, or attached to, any existing building (Building Mounted Antenna), an existing telecommunication tower, or alternative support structure and their equipment buildings, one hundred twenty (120) square feet or less in size, when the height of the antenna and its supporting tower, pole or mast is twenty (20) feet or less above the highest part of the building or alternative support structure to which it is attached.
6. Utility Pole Mounted Antennas if the height of the antenna is twenty (20) feet or less above the highest part of the utility pole.

**Areas Permitting Telecommunication Facility Location with Conditional Use Approval:** Telecommunications facilities may be permitted subject to Conditional Use and approval by the Oneida County Planning and Zoning Commission.

**Areas Limiting Telecommunication Facility Location:**

1. Telecommunication facilities may be permitted in the following areas, subject to Conditional Use and approval by the Oneida County Planning and Zoning Commission but are subject to review and approval of the Federal Aviation Administration (FAA) and other appropriate agencies, if applicable:
  - A. ½ mile radius from heliports
  - B. 1 mile radius from private airport runway(s)
  - C. 3 mile radius from public use airport runway(s)

**Areas Prohibiting Telecommunication Facility Location:** No telecommunications facilities will be allowed in the following areas:

1. Historic sites, as defined by state and/or federal regulation.
2. Critical species habitats, as defined by state and/or federal regulation.
3. Wetlands, as defined by state and/or federal regulation.
4. Floodplains, as defined by state and/or federal regulation.

**Conditional Use Application:** Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower, shall require a Conditional Use Permit.

1. **Submittal Information:** For all telecommunication facilities, the Planning and Zoning Department shall require the following information to accompany every application. Said information shall include, but may not be limited to:
  - A. Completed conditional use application.
  - B. Original signature of applicant and land owner (if the telecommunication facility is located in an easement or pursuant to a ground lease, the beneficiaries of the easement or ground lease and underlying property owner must authorize the application).
  - C. The identity of the carrier, provider, applicant, landowner, and service provider and their legal status.
  - D. The name, address, and telephone number of the officer, agent, and/or employee responsible for the accuracy of the application.
  - E. A plat of survey, showing the parcel boundaries, tower, facilities, location, access, landscaping, and fencing.
  - F. A written legal description of the site.
  - G. In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the tower owner from entering into leases on the tower with other provider(s), the legal description, and amount of property leased.
  - H. A description of the telecommunications services that the applicant offers or provides to persons, firms, businesses, or institutions.

- I. Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
  - J. Copies of Finds of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.
  - K. An alternatives analysis prepared by the applicant or on behalf of the applicant by its designated technical representative, subject to the review and approval of the Planning and Zoning Commission, which identifies all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the review and approval of the Planning and Zoning Commission. The County may require independent verification of this analysis at the applicant's expense; the consultant will be chosen by the Planning and Zoning Commission from a list mutually agreed upon by the County and the Telecommunications Industry.
  - L. Plans indicating security measures (e.g. access, fencing, lighting, etc.).
  - M. Shall include a tabular and map inventory of all of the applicant's existing telecommunications towers that are located within Oneida County and including all of the applicant's existing towers within fifteen hundred (1,500) feet of the County boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers, and the ability of the tower or antenna structure to accommodate additional CO-location antennas.
  - N. A report prepared by an Engineer licensed by the State of Idaho certifying the structural design of the tower and its ability to accommodate additional antennas.
  - O. Proof of liability coverage.
  - P. Such other information as the Planning and Zoning Commission may require.
  - Q. Proof of notification indicating that the airport operator and airport property owner(s) within the areas limiting telecommunication facility locations have been notified.
2. **CO-Location:** All tower owners shall make available unused space for CO-location of other telecommunication facilities, including space for those entities providing similar, competing services. CO-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service. All CO-located and multiple-user telecommunication support facilities shall be designed for compatible joining to facilitate site sharing.
  3. **Technical Review:** The Planning and Zoning Department, upon direction of the Oneida County Planning and Zoning Commission, has the option on behalf of the County to employ an independent technical expert to review materials submitted. The consultant will be chosen from a list mutually agreed upon by the County and the applicant. The

applicant shall pay all the costs of said review. The payment to the Planning and Zoning Department shall be due upon receipt of the invoice. All fees and charges accumulated for the technical review must be paid in full prior to the issuance of the Conditional Use Permit.

4. **Submittals Required Following the Conditional Use Approval:** For each conditional use permit approved by the Oneida County Planning and Zoning Commission, the applicant shall submit the following before the conditional use permit will be issued:
  - A. Copies of the determination of no hazard from the Federal Aviation Administration (FAA), including any aeronautical study determination or other findings and other agencies, if applicable.
  - B. Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communication Commission (FCC), if applicable.
  - C. Copies of any filings submitted to the Federal Communication Commission (FCC) shall be submitted within thirty (30) days of filing, subject to the review of the Zoning Administrator.
  - D. Proof of Bond as security for removal.

**Annual Information Report:** The purpose of the annual review is to provide the County with accurate and current information concerning the telecommunications tower owners and providers who offer or provide telecommunications services within the County, to assist the County in enforcement of this Chapter, and to assist the County in monitoring compliance with the conditional use permit.

1. **Annual Information Report:** All telecommunications tower owners of any new or existing telecommunication tower shall submit annually on or before January 31 of each year, to the Planning and Zoning Department a Telecommunications Facility Annual Information Report. The Annual Report shall include the tower owner name(s), address(s), phone number(s), contact person(s), annual review fee, and proof of bond as security for removal. The tower owner shall supply the tower height of current occupancy, if applicable. This information shall be submitted to the County and shall become evidence of compliance.
2. **Annual Report Fee:** Following the conditional use approval, every year thereafter, the tower owner shall submit, on or before January 31 of each year, to the Planning and Zoning Department, an annual review fee of \$150.00 per year for each tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information shall result in a civil forfeiture of \$300.00 per day until the information is received by the Oneida County Planning and Zoning Department.

**Removal/Security for Removal:**

1. It is the express policy of Oneida County that telecommunications facilities be removed once they are no longer in use and not a functional part of providing telecommunications

service and that it is the telecommunications tower owner's responsibility to remove such facilities and restore the site to its original condition or a condition approved by the Oneida County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility down to five feet below the surface. After a telecommunications facility is no longer in operation, the tower owner shall have ninety (90) days to effect removal and restoration unless weather prohibits such efforts.

2. **Security for Removal:** The telecommunications tower owner shall provide to Oneida County, prior to the issuance of the conditional use permit or the issuance of a zoning permit, a performance bond in the amount of Twenty Thousand Dollars (\$20,000) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the telecommunications facility will be removed when no longer in operation. Oneida County will be named as obligee in the bond and must approve the bonding company.

### **Pre-existing Telecommunication Towers**

1. **Non-conforming and conforming:** Telecommunication towers and facilities may add to, move, or replace the tower and facilities upon approval of the Oneida County Planning and Zoning Department. An existing tower may be increased in height a maximum of fifty (50) feet, relocated, or reconstructed within fifty (50) feet of its existing location to accommodate co-location subject to meeting all the other sections of the Chapter except section 17.7 and 17.12. Routine maintenance and repair on telecommunications facilities is permitted.
2. **Existing Use Review**
  - A. **Existing use review for those towers structurally capable to co-locate:** Beginning August 7, 2001, all telecommunications tower owners, applicable to the requirements of this Chapter operating in Oneida County prior to the adoption of this Chapter, shall provide the information required under section 17.8 (except proof of bond and proof of insurance) of this Chapter and pay an annual fee of \$150.00 per tower site on or before January 31 of each year. Failure to provide this information shall result in a civil forfeiture of \$300 per day until the information is received by the Oneida County Planning and Zoning Department.
  - B. **Existing use review for those towers structurally incapable for co-location:** Beginning August 7, 2001, all telecommunications tower owners, applicable to the requirements of this Chapter operating in Oneida County prior to the adoption of this Chapter, shall provide the information required under section 17.8 (except proof of bond and proof of insurance), submit documents that the tower is structurally incapable of co-location, and pay a one time fee of \$150.00 per tower site on or before January 31. Failure to provide this information shall result in a civil forfeiture of \$300.00 per day until the information is received by the Oneida County Planning and Zoning Department.

## Compliance

1. **Revocation:** Grounds for revocation of the conditional use permit shall be limited to one of the following findings:
  - A. The owner of such site, service provider and/or tower owner fails to comply with the requirements of this Chapter.
  - B. The permittee has failed to comply with the conditions of approval imposed.
  - C. The facility has not been properly maintained.
2. **Revocation Process**
  - A. The owner of such site, service provider, and/or tower owner shall be notified by certified mail of noncompliance by the Oneida County Planning and Zoning Department.
  - B. The owner shall comply with such notice within thirty (30) days to the satisfaction of the Oneida County Planning and Zoning Department.
  - C. If compliance is not obtained within thirty (30) days, the Oneida County Planning and Zoning Department shall notify the Oneida County Prosecutor of the noncompliance and proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)
3. **Abandonment:** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the Oneida County Planning and Zoning Department if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:
  - A. The owner of such antenna or tower shall remove said antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Oneida County Board may order removal utilizing the established bond and salvage said antenna or tower and all supporting equipment and building(s). If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.
  - B. The recipient of a conditional use permit for a telecommunications facility under this ordinance shall notify the Planning and Zoning Department when the facility is no longer in operation.

## Structural, Design, and Environmental Standards.

1. **Tower, Antenna, and Facilities Requirements.** All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:

- A. All telecommunication facilities shall comply at all times with all Federal Communication Commission (FCC) rules, regulations, and standards. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communication Commission (FCC) adopted standard for human exposure, as amended or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication towers and antennas shall meet or exceed the standards and regulations in place at the time of the issuance of the Conditional Use Permit, of the Federal Aviation Administration (FAA), the Idaho State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), the Federal Communication Commission (FCC) and authority to regulate towers and antennas.
  - B. Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted.
  - C. All ground mounted telecommunication towers shall be self-supporting monopoles or lattice towers, except where satisfactory evidence is submitted to the Planning and Zoning Commission that a guyed tower is required.
  - D. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
  - E. Telecommunication support facilities (e.g. equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story fifteen feet (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
  - F. Telecommunications towers, facilities and antennas shall be designed and constructed in accordance with the Uniform Building Code and other applicable State and Federal requirements.
  - G. The maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the roof.
  - H. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety, fire protection, or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.
2. **Height:** The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

3. **Lighting:** Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority.
4. **Site Development, Roads, and Parking:**
  - A. A leased parcel intended for the location of new telecommunication tower(s) and equipment building(s) shall maintain a minimum parcel size of twenty-five hundred (2,500) square feet. The Oneida County Planning and Zoning Commission may modify the leased parcel size requirement after public hearing and review.
  - B. A parcel owned by the telecommunication carrier and/or provider and intended for the location of new telecommunication tower(s) and equipment building(s) shall meet the minimum size requirement of the ordinance.
  - C. All sites must be served by a minimum thirty (30) foot wide easement with a turn around. The Oneida County Planning and Zoning Commission may modify the easement and turn around requirement after public hearing and review. All sites shall use existing access points and roads whenever possible. The access point to the site shall be approved by the respective County Highway District or the applicable road jurisdiction.
5. **Vegetation Protection and Facility Screening:**
  - A. All telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs, or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.
  - B. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.
  - C. Facility structures and equipment, including supporting structures, shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts.
6. **Fire Prevention:** All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
7. **Noise and Traffic:** All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented for telecommunication facilities:
  - A. Noise producing construction activities shall only take place on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair.

- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

**Separation and Setback Requirements:**

1. **Minimum Separation between Telecommunication Towers (by tower type).**

Proposed tower types:	Lattice	Guyed	Monopole- 85 ft. in height or greater
Lattice	1500 ft.	1500 ft.	750 ft.
Guyed	1500 ft.	1500 ft.	750 ft.
Monopole-85 ft. In height or greater	750 ft.	750 ft.	750 ft.

- A. Two (2) towers may be permitted to be located within one hundred (100) feet of each other subject to conditional use and approval of the Oneida County Planning and Zoning Commission and subject to meeting the setback requirements.
- B. Three (3) towers may be permitted subject to conditional use and approval of the Oneida County Planning and Zoning Commission.
- C. Camouflaged towers are exempt from separation between tower requirements listed above.

2. **Setbacks:** All setbacks shall be measured from the base of the tower or structure.

- A. Setbacks from all habitable residential buildings, except buildings located on the subject parcel: All new towers shall be setback a distance equal to 125% of the height of the tower.
- B. Setbacks from all historic sites and districts: All new towers shall be setback a distance equal to 125% of the height of the tower from historic sites and districts.
- C. Setbacks from property lines: All new towers shall be setback a minimum of fifty (50) feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.) This setback requirement may be modified by the Oneida County Planning and Zoning Commission after public hearing and review.
- D. Setbacks from property lines: All new towers shall be setback a minimum of fifty (50) feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property lines.)
- E. Setback from the Ordinary High Water Mark (OHWM): All new towers shall be setback a minimum of seventy-five (75) feet from the Ordinary High Water Mark (OHWM) of a navigable stream and a minimum 125% of the tower height from the Ordinary High Water Mark (OHWM) of a navigable lake.

- F. **Guy Wire Anchor Setback:** All guy wire anchors shall be at least twenty-five (25) feet from all property lines. This setback requirement may be modified by the Oneida County Planning and Zoning Commission after public hearing and review.

**Permits:** A Conditional Use permit is required for the location of all telecommunication facilities in Oneida County. Proposed co-location on facilities previously approved by Oneida County Planning and Zoning Commission shall be approved administratively by the Oneida County Planning and Zoning Department, provided that the applicant complies with the provisions of this Chapter and provides a completed application and permit fee.

**Severability:** Irrespective of the basis of the invalidity, if any term or condition of this ordinance is invalid, the remaining terms and conditions of this ordinance are severability and effective until the repeal or amendment of such terms and conditions.

Dated August 13, 2001

Board of Commissioners of  
Oneida County, Idaho

Gene Caldwell  
Gene Caldwell, Commissioner

Attest:

Shirlee Blaisdell  
Shirlee Blaisdell, County Clerk

## **SUMMARY OF ORDINANCE NO. 2001-08-01**

### **AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE SITING OF TELECOMMUNICATIONS TOWERS, ANTENNAS AND FACILITIES WITHIN ONEIDA COUNTY, IDAHO, EXCLUDING INCORPORATED CITIES.**

A summary of the principal provisions of Ordinance No. 2001-08-01 of the County of Oneida, State of Idaho, adopted by the Board of County Commissioners on the 13<sup>th</sup> day of August, 2001, and the 19<sup>th</sup> day of November, 2001, and hereby known as Chapter 10 of the Oneida County Development Code, is as follows:

1. **TELECOMMUNICATIONS TOWERS, ANTENNAS AND RELATED FACILITIES.**

The purpose of this chapter is to provide a set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations contained herein are designed to protect and promote public health, safety, and the community welfare of Oneida County. To encourage managed development of the telecommunications infrastructure, while not unduly restricting the development of needed telecommunications facilities.

2. **EXEMPT FROM COUNTY REVIEW.**

Outlines in detail what telecommunications facilities shall be permitted without County approval.

3. **AREAS PERMITTING TELECOMMUNICATION FACILITY LOCATION WITH CONDITIONAL USE APPROVAL.**

Declares that telecommunications facilities may be permitted subject to Conditional Use and approval by the Oneida County Planning and Zoning Commission.

4. **AREAS LIMITING TELECOMMUNICATION FACILITY LOCATION.**

Outlines in detail areas which telecommunication facilities may be permitted, subject to Conditional Use and approval by the Oneida County Planning and Zoning Commission.

5. **AREAS PROHIBITING TELECOMMUNICATION FACILITY LOCATION.**

Outlines in detail areas in which telecommunication facilities are prohibited.

6. **CONDITIONAL USE APPLICATION.**

Declares that locating and constructing a telecommunications tower or a new alternative support structure, including the building or other supporting equipment used in connection with said tower shall require a Conditional Use Permit. Also outlines in detail submittal requirements for application.

7. **ANNUAL INFORMATION REPORT.**

Declares purpose of annual review report and set forth necessary information to be included in said review report. Also establishes annual review fee of \$150.00 per year for each tower site and penalty of \$300.00 per day until information is received.

8. **REMOVAL/SECURITY FOR REMOVAL.**

Declares that telecommunications facilities be removed once they are no longer in use and not a functional part of providing telecommunications service and that it is the telecommunications tower owner's responsibility to remove such facilities and restore the site to its original condition or a condition approved by the Oneida County Planning and Zoning Department. The tower owner shall have 90 days to effect removal and restoration, and shall also provide to Oneida County a performance bond in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor naming Oneida County as obligee.

**9. PRE-EXISTING TELECOMMUNICATION TOWERS.**

Declares that telecommunication towers and facilities may add to, move, or replace the tower and facilities upon approval of the Oneida County Planning and Zoning Department. Also declares for existing use review for those towers structurally capable and incapable for co-location, and establishes fee and penalties.

**10. COMPLIANCE.**

Outlines in detail grounds for revocation of the Conditional Use Permit, revocation process, including abandonment.

**11. STRUCTURAL, DESIGN, AND ENVIRONMENT STANDARDS.**

Outlines in detail requirements in which telecommunication facilities shall be structured and designed and environmental standards.

**12. SEPARATION AND SETBACK REQUIREMENTS.**

Sets forth the minimum separation between telecommunication towers and setback requirements.

**13. PERMITS.**

Declares that a Conditional Use Permit is required for the location of all telecommunication facilities in Oneida County.

**14. SEVERABILITY.**

Declares if any term or condition of this Ordinance is invalid, the remaining terms and conditions of this Ordinance are severability and effective until the repeal or amendment of such terms and conditions.

The full text of Ordinance No. 2001-08-01 is available at the Oneida County Clerk's Office,

Oneida County Courthouse, 10 Court Street, Malad City, Idaho, and will be provided to any citizen upon personal request during normal office hours.

This Ordinance shall be in full force and effect upon the publication of this summary as allowed by law.

**DATED** this 19<sup>th</sup> day of November, 2001.

Board of Commissioners of  
Oneida County, Idaho



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E. GENE CALDWELL, Chairman

**ATTEST:**

  
\_\_\_\_\_  
SHIRLEE BLAISDELL, Clerk

#### **CERTIFICATION CITY ATTORNEY**

I, the undersigned Attorney for Oneida County, State of Idaho, hereby certify that I have read the attached Summary of Ordinance No. 2001-08-01 of the County of Oneida, and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

**DATED** this 19<sup>th</sup> day of November, 2001.

  
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STEVIN E. BROOKS  
Oneida County Attorney