



**CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
AGENDA REPORT**

**To:** Planning and Zoning Commission  
**From:** *mh* Mark Hofman, Community Development Director  
**Meeting Date:** January 23, 2014  
**Agenda Item:** AT&T Sage Creek Wireless Facility Upgrade  
Design Review Application No. DR 2013-18

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**SUBJECT:** Public hearing for a design review application proposing equipment and antenna upgrades to an existing wireless communication facility. No modifications to the pump house structure or structural elements of the facility are proposed. **Applicant:** Nadine Bostwick, Powder River Development, for AT&T. **Location:** 100 Sage Creek Reservoir Road, on Sun Valley Water and Sewer District property above Crown Ranch.

**BACKGROUND:** In 2007, the City approved a Conditional Use Permit (No. CUP 2007-04) for a new wireless communication facility at the Sage Creek Reservoir and two associated design review applications (No. DR 2007-060 and DR 2007-061). The facility was constructed and has been in operation to date. The applicant now proposes a retrofit of the facility's equipment to include: 1.) replacement of the two existing antennas panels with new antenna panels on the existing 27-foot pole; 2.) add three small Remote Radio Head (RRH) antennas to the inside wall of the enclosed booster pump house entry way; 3.) add a new surge arrestor to the existing H frame electrical panel; 4.) add two new lines of direct current (DC) electrical within the existing structure; and, 5.) add two one new lines of fiber optic, also in the existing structure. The existing four (4) inch pipe pole supporting the two antenna panels will be changed out with a new six (6) inch pipe pole to support the two new antenna panels at the same height. The project drawings are attached as **Exhibit "PZ-E"** and detail all existing and proposed site improvements and equipment.

**ANALYSIS:** The project is a retrofit of the existing wireless facility with minor equipment changes. The most significant change is to the antenna mounted pole and panels. The two existing antenna panels on the pole will be changed out with two new antenna panels that are longer. The two new panels are 11.8" wide and 96 inches long. The existing antenna panels were approved at 4-feet, 4-inches in length and 14 inches in width. The existing 4 inch pole will be changed out with a new 6 inch wide support pipe pole but will extend no higher than the existing pole. The pipe pole and antenna panels will maintain the existing 20-foot height above the booster pump structure.

As conditioned in the attached Draft Findings of Fact (**Exhibit "PZ-A"**), the retrofit complies with the design and all applicable conditions of the approved Conditional Use Permit (**Exhibit "PZ-B"**) and Design Review Application approvals (**Exhibits "PZ-C" and "PZ-D"**) for the original wireless communication facility.

**Screening Landscaping-** Design Review approval No. Dr 2007-061 required the applicant to plant three screening aspen trees near the facility. These required trees were planted and have since died. The Planning and Zoning Commission may wish to revisit this requirement as part of their public hearing on January 23, 2014.

The Community Development Department has completed a comprehensive review of the development application and has determined that all required application materials have been satisfactorily submitted as per Development Code requirements. The proposed wireless facility retrofit is consistent with the land uses envisioned for the property by the approved Conditional Use Permit (No. CUP 2007-04) and is consistent with the character of existing and future development in the area. No significant negative impacts to the area or City due to the retrofit have been identified by staff. No public comment was received by the Community Development Department as part of the publicly noticed review period for the project.

**Public Notice and Comment-** The project application was publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

**Alternative Actions-** Alternative actions available to the Commission include: (1) make the required findings and adopt the attached draft Findings of Fact and Conclusions of Law approving the design review application; (2) continue the hearing for further information and review; or (3) close the public hearing, discuss the findings, vote to deny the application and direct staff to return on a date certain with a resolution reflecting the comments and findings of the Commission.

**RECOMMENDATION:** Before public comment is received, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommending decision on the application. The Community Development Director recommends approval of the design review application subject to the conditions of approval contained in the attached draft Findings of Fact document.

**LIST OF ATTACHED EXHIBITS:**

- |                |  |
|----------------|--|
| Exhibit "PZ-A" | Draft Findings of Fact/Conclusions of Law and Recommendation for Design Review Application No. DR 2013-18.                               |
| Exhibit "PZ-B" | Approved City of Sun Valley Findings of Fact, Conclusions of Law and Decision for a Conditional Use Permit (CUP 2007-04) approving a new |

wireless communication facility at the existing booster pump station adjacent to the Sun Valley Water and Sewer District Sage Creek Reservoir.

Exhibit "PZ-C" Approved City of Sun Valley Findings of Fact, Conclusions of Law and Decision for a Design Review Application (DR 2007-060) approving an enclosure of a small walled entry area on the existing booster pump station adjacent to the Sun Valley Water and Sewer District Sage Creek Reservoir for a new wireless communication facility.

Exhibit "PZ-D" Approved City of Sun Valley Findings of Fact, Conclusions of Law and Decision for a Design Review Application (DR 2007-061) approving the construction of a new wireless communication facility at the existing booster pump station adjacent to the Sun Valley Water and Sewer District Sage Creek Reservoir.

Exhibit "PZ-E" Reduced 11-by-17 inch project drawings consisting of nineteen (19) sheets stamped received by the City on March 15, 2013.

\*\* The entire administrative record for this Design Review Application is available for review in the Community Development Department at City Hall.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
DESIGN REVIEW**

Project Name: AT&T Sage Creek Wireless Facility Retrofit  
Applicant: Nadine Bostwick of Powder River Development for AT&T  
Location: Existing wireless facility at 100 Sage Creek Reservoir Road, on Sun Valley Water and Sewer District property above Crown Ranch.  
Zoning District: Outdoor Recreational (OR-1) Zoning District

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Project Square Footage: N/A; replacement of existing equipment at an existing wireless communication facility.

Project Description: In 2007, the City approved a Conditional Use Permit (No. CUP 2007-04) for a new wireless communication facility at the Sage Creek Reservoir and two associated design review applications (No. DR 2007-060 and DR 2007-061). The facility was constructed and has been in operation to date. The applicant now proposes a retrofit of the facility's equipment to include: 1.) replacement of the two existing antennas panels with new antenna panels on the existing 27-foot pole; 2.) add three small Remote Radio Head (RRH) antennas to the inside wall of the enclosed booster pump house entry way; 3.) add a new surge arrestor to the existing H frame electrical panel; 4.) add two new lines of direct current (DC) electrical wiring within the existing structure; and, 5.) add two new lines of fiber optic, also in the existing structure. The existing four (4) inch pipe pole supporting the two antenna panels will be changed out with a new six (6) inch pipe pole to support the two new antenna panels at the same height. The project drawings stamped received by the City of Sun Valley on March 15, 2013 detail all proposed changes and alterations to the existing wireless facility. No new towers will be erected and no new wireless facilities will be added to the site by this project. No other development or construction is associated with this equipment modification proposal.

**Required Findings:** In order to approve a design review application and based on the standards set forth in Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW, the Planning & Zoning Commission shall make the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The subject application does not propose any new structures or expanded development of the existing wireless communication facility. The existing tower will be retrofitted with replacement antennas and no new towers or structures will be added. The retrofit is therefore in conformance with all applicable requirements, standards, and use and dimensional regulations for the Outdoor**

**Recreational (OR-1) Zoning District set forth in the Development Code and Zoning Map.**

2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A DESIGN REVIEW REGULATIONS of this Title. **The equipment retrofit project is consistent with the existing design and layout of the wireless facility and the surrounding Elkhorn Area. All existing surrounding right-of-ways, paths, drainage and other improvements in the area will remain unchanged. The new antenna panels and equipment will generally match the existing equipment on the tower and the ground level equipment improvements are minimal. Therefore, the retrofit project is in conformance with the standards for design review as set forth in Chapter 3A of the Development Code. No aspect of the new design for the wireless facility negatively impacts the general design, access or layout of the public utility site.**
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. **The site of the retrofit project is currently developed as a public utility water reservoir and wireless communication facility. The changes to the existing facility consist of replacement of antenna equipment that will not significantly change the visual impacts to and through the site. No significant natural features will be impacted by the new equipment and no new towers are included. The new site design does not include any new buildings or development expansion and therefore does not significantly increase visual impact on surrounding scenic conditions.**
4. The proposed design is in context and complimentary to adjacent properties. **The proposed retrofit is consistent with the original design of the wireless facility and the surrounding developed and open area. The proposed design is in context and complimentary to adjacent properties because no new structures or development are proposed and the retrofitted antenna will properly blend with the existing improvements. The project application was properly publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The retrofit project is consistent with the original design of the wireless facility and with surrounding existing conditions. The new replacement antenna panels will appear as if constructed as part of the original development project and will remain compatible with the community character and scale of the Elkhorn area. The existing wireless tower is located above Crown Ranch and the Juniper neighborhood in a relatively visible location. Replacement of the existing antenna panels on the tower pole will not significantly increase visual impact. No aspect of the new design negatively changes the scale, access or layout of the developed site.**

6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **The subject application does not propose any activity or development that adversely affects public safety. Adequate emergency access presently serves the wireless facility and surrounding recreational area and no substantive changes to the site access will occur. No public comments were received as a result of the noticed public review and comment period and no public safety concerns were identified by the reviewing City Departments.**
  
7. The proposed design is of quality architectural character and materials. **The proposed retrofit design is of quality architectural character and materials because the existing facility will be upgraded with new equipment but no significant bulk and mass will be added. The general appearance and operation of the wireless facility will remain generally unchanged and will remain consistent with the original design concept.**
  
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The subject application for a retrofit of an existing wireless tower is in conformance with the City's Comprehensive Plan and the goals and policies of the City because the site will be upgraded but remain largely unchanged in land use, layout, or site development. No new buildings, development, or land uses are included as part of this retrofit project.**

#### CONCLUSIONS OF LAW

That this project does meet the standards for approval under Title 9, Chapter 3A (Design Review Regulations), of the City of Sun Valley Municipal Code provided the below conditions of approval are met. Design review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

#### CONDITIONS OF APPROVAL

1. **The applicant and their representatives shall comply with all IBC, IFC and applicable City ordinances.**
2. **This Design Review approval is good for one year from the date of approval, unless extended pursuant to Sun Valley Municipal Code Section 9-5A-8.**
3. **Any requirements and/or approvals of private associations or other entities are the sole responsibility of the property owner.**
4. **Any permits issued during the 10-day appeal period provided for under section 9-3A-4 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.**
5. **The subject Design Review Application shall be specific to the project drawings (19 sheets) stamped received by the City on March 15, 2013 and approved by the Planning & Zoning Commission on January 23, 2014. Any changes or modifications to the approved design shall be reviewed by the Community Development Department pursuant to Code Section 9-5A-10, Substantial Conformance.**

6. **No exterior lighting is proposed or approved as part of this equipment upgrade project at an existing wireless facility. Any existing exterior lighting shall be brought into or remain in compliance with the City's Exterior Lighting Ordinance to the satisfaction of the Community Development Director. If applicable, all exterior lighting at the facility shall be fully shielded downcast exterior lighting fixtures compliant and shall be subject to inspection for compliance prior to final inspection for the project.**
7. **This Design Review approval is specific to Conditional Use Permit Application No. CUP 2007-04 and Design Review Applications No. DR 2007-060 and 2007-061, and shall not be modified without official approval by the City.**
8. **In accordance with Condition of Approval No. 2 of the facility's Conditional Use Permit (CUP 2007-04) and to the satisfaction of the Community Development Director, the applicant shall submit a new Operational Plan for the project prior to the issuance of building permits by the City or the State of Idaho with assurances that any security lighting, maintenance procedures, and maintenance and repair hours will remain in compliance with Code requirements throughout the lifespan of the facility.**
9. **In accordance with Condition of Approval No. 3 of the facility's Conditional Use Permit (CUP 2007-04) and to the satisfaction of the Community Development Director, the applicant shall comply with the following: Monitoring- Once the retrofitted wireless communication facility is operating, the applicant shall submit documentation that the facility is operating within the technical standards as described in the application and the Federal Communications Commission permit. Independent field strength or power density measurements shall be provided to the City within 30 days of operational commencement. At five year intervals from the date when the City issues a building permit, the Applicant shall submit the following information, in writing, to the Community Development Director:**
  - i. **Confirmation that the facility continues to operate in compliance with all terms and conditions of approval by the City.**
  - ii. **Independent field strength or power density measurements taken within the past 30 days that verify that the facility continues to operate in compliance with all terms and conditions and emissions standards imposed by the Federal Communications Commission.**
  - iii. **Confirmation that there is no equipment available that would enhance the safety, efficiency or visibility of the facility or reduce the size of the facility.**
  - iv. **Confirmation that there are not more appropriate locations available for the facility.**
  - v. **Confirmation that the facility continues to function as an essential element of the Applicant's network.**
  - vi. **Documentation of any complaints received by the Applicant since the inception of operations regarding the operation and maintenance of the facility, including the Applicant actions to address the complaints.**

Failure to comply with these monitoring requirements will be addressed by the City pursuant to the regulations contained in Code Section 9-5B-2, Conditional Use.

10. In accordance with Condition of Approval No. 4 of the facility's Conditional Use Permit (CUP 2007-04) and to the satisfaction of the Community Development Director, the applicant shall comply with the following: Construction Time, Abandonment and Decommissioning- All wireless communication facilities which receive a Conditional Use Permit under Article 9-3K shall be completed and operational within 180 calendar days of the issuance of the permit and all related permits or licenses. The construction time may be extended for an additional 180 calendar days upon a showing of good faith efforts to complete the facility, which shall take into account complications beyond the control of Applicant, including seasonal considerations. If the facility is not completed and operational by the end of the extension period, then the permit shall expire, and the Applicant must reapply for the permit; however, this provision shall not apply when the Applicant demonstrates to the satisfaction of the Community Development Director that the operational delay is due entirely to factors beyond the control of the Applicant, in which event the Director may extend the construction time in his or her discretion. The Director reserves the right to consult with the Planning and Zoning Commission regarding any proposed extension. Any facility that ceases operating for more than 90 consecutive days shall be considered abandoned. In such an event the Applicant must either 1) apply for all permits required at the time of expiration to reactivate the operation, or 2) remove all elements of the facility and restore the site. In the event the Applicant fails to apply for permits or perform the removal and restoration within these 90 days, the property owner shall have the facility removed.

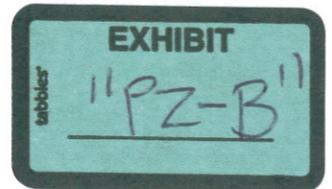
#### DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR 2013-18.

Dated this 23rd day of January, 2014.

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Ken Herich, Chairman  
Planning and Zoning Commission  
City of Sun Valley

Date Findings of Fact signed \_\_\_\_\_



SUN VALLEY CITY COUNCIL

CONDITIONAL USE PERMIT )
EDGE WIRELESS- SAGE CREEK )
APPLICATION #CUP2007-04 )

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

Edge Wireless submitted an application for Conditional Use Permit for the construction of a new wireless communication facility to be added to an existing pump booster station structure adjacent to the SVW&SD Sage Creek Reservoir on property within the Outdoor Recreation (OR-1) Zoning District. This matter came before the Sun Valley Planning and Zoning Commission for consideration on October 11 and November 30, 2007 as a duly noticed public hearing. The Commission heard comments from the applicant's representatives and the public, conducted a site visit to the project site, and took action to deny the application. An appeal was filed by the applicant and the City Council held a noticed public hearing on January 17, 2008 and formally acted to overturn the Commission's denial and approve the Conditional Use Permit for the proposed wireless communication facility. Having concluded its review of the application, the Council makes the following Findings of Fact, Conclusions of Law and decision, subject to the following Conditions of Approval:

FINDINGS OF FACT/ CONCLUSIONS OF LAW

- 1. The applicant is Edge Wireless and the subject property is the Sage Creek water booster station operated by the Sun Valley Water & Sewer District, located at 100 Sage Creek Reservoir Road and zoned Outdoor Recreation (OR-1).
2. The proposed application is for a Conditional Use Permit for a new wireless communication facility to be incorporated into the existing Sage Creek Booster Pump building. Freestanding antennas and other communication towers are a land use permitted within the OR-1 Zoning District with the issuance of a Conditional Use Permit provided they serve a demonstrated community wide function and all reasonable measures are taken to mitigate the potential impact upon the open quality and character of the District.
3. The City Council finds that the wireless communication facility serves a demonstrated community wide function and, as conditioned, all reasonable measures have been taken to mitigate the potential impact upon the open quality and character of the District.
4. The wireless facility is located within 500 feet of residential structures. The City Council finds that the applicant has presented evidence demonstrating that there is no other feasible alternative to the proposed location that fulfils the coverage gap needs of the applicant's service area and is less impacting. Other sites investigated by the applicant were not functionally appropriate, were not available, or would involve more obtrusive equipment use. The wireless communication facility land use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district. The facility and site allow the applicant to complete the service network with the fewest possible facilities, in the least visible fashion, and with the least disruptive impact on the neighborhoods and the communities within the City. The facility is located within the Outdoor Recreation (OR-1) Zoning District as encouraged by Code Section 9-3K-4.
5. The use will be supported by adequate public facilities or services to the surrounding area and conditions can be established to mitigate adverse impacts. The facility will be incorporated onto

an existing utility pump house structure and electricity, water, and access are already present on site.

6. The use will not unreasonably diminish either the health, safety or welfare of the community. The proposed facility is incorporated into the design of an existing utility pump house structure for an existing water reservoir. No new grading or other site disturbance is required to construct the wireless facility and the relatively small size of the improvements and the distance to adjacent land uses will result in no negative health, safety or welfare impacts to the area.
7. The wireless communication facility land use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. The facility complies with applicable maximum height limitations, employs all practical means to conceal or minimize the number of facilities and reduce their visual impact, uses the most diminutive technology and the smallest components necessary to provide service, and uses the most efficient technology to serve the City.

### DECISION

Therefore, based upon the foregoing Findings of Fact and Conclusion of Law, the City Council hereby approves the Conditional Use Permit application for a new wireless communication facility to be added to the existing booster pump structure of the Sage Creek Water Reservoir facility, subject to the following conditions of approval:

1. This Conditional Use Permit is specific to Design Review applications #DR2007-060 and #DR2007-061. Any future modifications to the facility or its structural elements shall require City approval of a modification to this Conditional Use Permit.
2. In accordance with Code Section 9-3K-7C and to the satisfaction of the Community Development Director, the applicant shall submit an Operational Plan prior to the issuance of a Building Permit for the project with assurances that any security lighting, maintenance procedures, and maintenance and repair hours will remain in compliance with Code requirements throughout the lifespan of the facility.
3. Monitoring: Once the wireless communication facility is operating, the applicant shall submit documentation that the facility is operating within the technical standards as described in the application and the Federal Communications Commission permit. Independent field strength or power density measurements shall be provided to the City within 30 days of operational commencement. At five year intervals from the date when the City issues a building permit, the Applicant shall submit the following information, in writing, to the Community Development Director:
  - i. Confirmation that the facility continues to operate in compliance with all terms and conditions of approval by the City.
  - ii. Independent field strength or power density measurements taken within the past 30 days that verify that the facility continues to operate in compliance with all terms and conditions and emissions standards imposed by the Federal Communications Commission.
  - iii. Confirmation that there is no equipment available that would enhance the safety, efficiency or visibility of the facility or reduce the size of the facility.
  - iv. Confirmation that there are not more appropriate locations available for the facility.
  - v. Confirmation that the facility continues to function as an essential element of the Applicant's network.

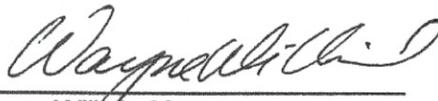
vi. Documentation of any complaints received by the Applicant since the inception of operations regarding the operation and maintenance of the facility, including the Applicant actions to address the complaints.

Failure to comply with these monitoring requirements will be addressed by the City pursuant to the regulations contained in Code Section 9-5B-2, Conditional Use.

4. Construction Time, Abandonment and Decommissioning: All wireless communication facilities which receive a Conditional Use Permit under Article 9-3K shall be completed and operational within 180 calendar days of the issuance of the permit and all related permits or licenses. The construction time may be extended for an additional 180 calendar days upon a showing of good faith efforts to complete the facility, which shall take into account complications beyond the control of Applicant, including seasonal considerations. If the facility is not completed and operational by the end of the extension period, then the permit shall expire, and the Applicant must reapply for the permit; however, this provision shall not apply when the Applicant demonstrates to the satisfaction of the Community Development Director that the operational delay is due entirely to factors beyond the control of the Applicant, in which event the Director may extend the construction time in his or her discretion. The Director reserves the right to consult with the Planning and Zoning Commission regarding any proposed extension. Any facility that ceases operating for more than 90 consecutive days shall be considered abandoned. In such an event the Applicant must either 1) apply for all permits required at the time of expiration to reactivate the operation, or 2) remove all elements of the facility and restore the site. In the event the Applicant fails to apply for permits or perform the removal and restoration within these 90 days, the property owner shall have the facility removed.

Dated this 21st day of February, 2008.

APPROVED:



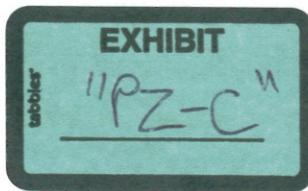
Wayne Willich, Mayor  
City of Sun Valley

Date Signed: 3/1/2008

ATTEST:



Kelly Ek, City Clerk  
City of Sun Valley



**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
SUN VALLEY CITY COUNCIL  
DESIGN REVIEW**

Project Name: **Sun Valley Water & Sewer District (SVWSD)**  
Applicant: **Richard Meyer for Sun Valley Water & Sewer District**  
Location: **Sage Creek Water Reservoir Facility, 100 Sage Creek Reservoir Road**  
Zoning District: **Outdoor Recreation (OR-1) Zoning District**  
Proposed Floor Area: **N/A**  
Minimum Setbacks Required: **N/A**

**Project Description:** Design Review application for the enclosing of an existing small walled entry area of an existing detached pump house located near the underground SVW&SD water tank reservoir to prepare the structure for a new wireless communication facility. The project consists of extending the existing roof of the booster pump structure an additional ten feet to cover the entire walled entryway of the existing structure to house future equipment associated with a new wireless communication facility.

**REQUIRED FINDINGS**

In order to approve a design review application and based on the standards set forth in Sun Valley Municipal Code Section 9-5B-3, Design Review, the City Council shall make the following findings:

1. The proposed design is in conformance with the purpose of the Outdoor Recreation (OR-1) Zoning District and all dimensional regulations of that District.
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A, Design Review Regulations, of the Municipal Code.
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. The enclosing of the existing pump house structure does not create any additional visual impact nor additional building footprint.
4. The proposed design is in context and complimentary to adjacent properties and all reasonable measures have been taken to mitigate the potential impact upon the open quality and character of the District.
5. The proposed design is compatible with the existing water reservoir improvements and will not negatively impact the community character nor scale of the surrounding open area or neighborhood.
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. All services, utilities and access are in place to serve the structure.
7. The proposed design is of quality architecture character and materials that match the existing site improvements.

8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City.

**CONDITIONS OF APPROVAL**

1. The applicants and their representatives shall comply with all IBC, IFC and applicable City ordinances.
2. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.
3. Any requirements and/or approvals of Private Associations or other entities are the sole responsibility of the property owner.
4. Any permits issued during the 10-day appeal period provided for under Municipal Code Section 9-5A-9 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.
5. The applicant shall comply with all applicable provisions of the Municipal Code regarding hours of construction activity and noise levels for the construction phase of the project.
6. This Design Review Permit is specific to Conditional Use Permit #CUP2007-04 and Design Review application #DR2007-061. Any modifications or alterations to the approved design shall be subject to prior review and approval by the City through a modification to this permit and associated permits.

**CONCLUSIONS OF LAW**

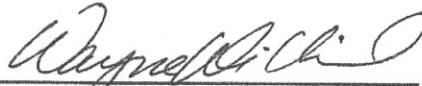
The Sun Valley City Council finds that this project does meet the standards for approval under Municipal Code Section 9-3A, provided the above conditions of approval are met.

**DECISION**

Therefore, the Sun Valley City Council hereby approves this Design Review Application No. DR2007-060 for an extension of a roof area over a ten foot walled entryway for the existing Sage Creek booster pump structure in order to construct a new wireless communication facility in conjunction with Conditional Use Permit Application #CUP2007-04 and Design Review Application #DR2007-061.

Dated this 21st day of February, 2008.

APPROVED:



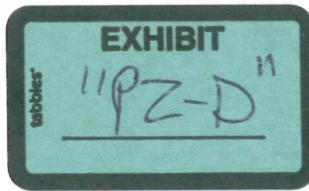
Wayne Willich, Mayor  
City of Sun Valley

Date Signed: 2/1/2008

ATTEST:



Kelly Ek, City Clerk  
City of Sun Valley



File No : DR2007-061  
01/17/08 & 02/21/08 CC AGENDA

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
SUN VALLEY CITY COUNCIL  
DESIGN REVIEW**

Project Name: **Edge Wireless Sage Creek Wireless Communication Facility**

Applicant: **Frank O'Leary for Edge Wireless, LLC**

Location: **Sage Creek Reservoir, 100 Sage Creek Reservoir Road**

Zoning District: **Outdoor Recreation (OR-1) Zoning District**

Proposed Floor Area: **N/A**

Minimum Setbacks Required: **N/A**

**Project Description:** The Design review application proposes to construct a new wireless communication facility at the Sage Creek booster pump structure, located adjacent to the undergrounded Sage Creek water tank reservoir. A twenty (20) foot mounting pole will extend from a new roof area to support two antenna panels that each measure 4-feet, 4-inches (height) by 1-foot, 2-inches (width). The two antenna panels will be located at the top portion of the mounting pole with a maximum height of 20 feet above the roofline of the structure. The equipment associated with the antenna will be located within the existing walled area of the booster pump structure.

**REQUIRED FINDINGS**

In order to approve a design review application and based on the standards set forth in Sun Valley Municipal Code Section 9-5B-3, Design Review, the City Council shall make the following findings:

1. The proposed design is in conformance with the purpose of the Outdoor Recreation (OR-1) Zoning District and all dimensional regulations of that District.
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A, Design Review Regulations, of the Municipal Code.
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. The facility's pole and two antenna panels are relatively small and do not create significant negative visual impact.
4. The proposed design is in context and complimentary to adjacent properties and all reasonable measures have been taken to mitigate the potential impact upon the open quality and character of the District.
5. The proposed design is compatible with the existing water reservoir improvements and will not negatively impact the community character nor scale of the surrounding open area or neighborhood.

6. The proposed design adheres to standards for the protection of health, safety, and general welfare. All services, utilities and access are in place to serve the structure.
7. The proposed design is of quality architecture character and materials that match the existing site improvements.
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City.
9. The project design satisfies each of the applicable criteria set forth in Code Section 9-3K-7B.

### CONDITIONS OF APPROVAL

1. The applicants and their representatives shall comply with all IBC, IFC and applicable City ordinances.
2. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.
3. Any requirements and/or approvals of Private Associations or other entities are the sole responsibility of the property owner.
4. Any permits issued during the 10-day appeal period provided for under Municipal Code Section 9-5A-9 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.
5. The applicant shall comply with all applicable provisions of the Municipal Code regarding hours of construction activity and noise levels for the construction phase of the project.
6. This Design Review Permit is specific to Conditional Use Permit #CUP2007-04 and Design Review application #DR2007-060. Any modifications or alterations to the approved design shall be subject to prior review and approval by the City through a modification to this permit and associated permits.
7. The applicant shall install landscaping satisfactory to the Community Development Director with input from adjacent landowners to be given no later than February 15, 2008, provided that if such landscaping is not approved by the Sun Valley Water & Sewer District or the Sun Valley Elkhorn Association as applicable then this landscaping requirement shall be null and void. The applicant shall install any such landscaping in accordance with the accepted Plan no later than June 30, 2008, or as extended by the Community Development Director for seasonal or unforeseen site issues. If the landscaping plan as approved and accepted by Sun Valley Elkhorn Association, the City of Sun Valley, the Sun Valley Water & Sewer District is not installed by June 30, 2008, or as extended above by the Director, then the Conditional Use Permit (#CUP2007-04) for the project may be revoked upon 10-day notice to the applicant by the City at a noticed public hearing with the City Council.

### CONCLUSIONS OF LAW

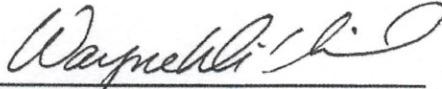
The Sun Valley City Council finds that this project does meet the standards for approval under Municipal Code Section 9-3A, provided the above conditions of approval are met.

### DECISION

Therefore, the Sun Valley City Council hereby approves this Design Review Application #DR2007-061 for a new wireless communication facility to be added to the existing SVW&SD water booster pump structure at the Sage Creek Reservoir site in conjunction with Conditional Use Permit Application #CUP2007-04 and Design Review Application #DR2007-060.

Dated this 21st day of February, 2008.

APPROVED:



Wayne Willich, Mayor  
City of Sun Valley

Date Signed: 3/1/2008

ATTEST:



Kelly Ek, City Clerk  
City of Sun Valley