

Design Review and Conditional Use Application

**BMA Towers, LLC**

Request is made for the purpose of erecting cell tower on the subject property, a 100' x 100' parcel, zoned Industrial, on Southend Road, a portion of the J I Morgan property at the edge of the city boundary. The tower developer, BMA Towers LLC, has been in business in McCall, New Meadows, Cascade and the West Central Mountains for 22 years, all of that time dealing with cell tower companies and the needs of the communities they serve. In the last 5 years 3 companies of which we are aware have sought unsuccessfully to establish or upgrade their service here with a cell tower. In each case they have gone elsewhere, depriving the community of state-of-the-art service and, even as important, revenue.

New Meadows is unique in many ways, but not every way. Rural communities are not unique to cell tower companies. Those companies are mandated to provide up-to-date service in areas for which they are licensed. It's up to AT&T, T-Mobile, Verizon, Sprint and others to figure out how to do that. We think we have.

The subject property is ¼ acre (100x100) cut out of the industrially zoned J I Morgan equipment, salvage, fuel, repair, offices, and timber staging parcel on Southend Road at the edge of the city limits. There are only 2 other property owners within 300', one of them a junk yard. Where the tower will be located (illustration provided) is now storage for miscellaneous pieces/parts that will be moved to accommodate the tower. It is considerably outside the state-owned airstrip impact area and has received the blessing of the FAA. There are no adverse effects on the environment, no waste, no noise, and no emissions.

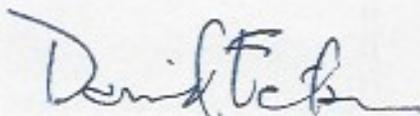
There will be a minimum of 1 and a maximum of 4 small portable equipment "rooms" associated with the tower inside a fenced area that borders the site (illustration provided). The fence will be 8' tall, chain link with a barbed wire top cap, and an 8' gate on the road side of the property. Each tenant will have its own emergency generator used during the ever-present power outages here.

The tower will be a maximum of 182' tall (illustration provided) with a lighting rod. The lattice design will accommodate at least 2 cotenants, putting an end to the need for other towers in or near the city limits. There is no need for parking, reconstructed streets, rerouted utilities, signage, special marking, lighting, water or sewer on or to the property.

The location of this tower, on the corner of Kyle Kirby's property is strategic in that it fits a pattern of towers from Weiser, up Highway 95, with line-of-site to Brundage Mountain and No Business Mid Point west of Donnelly and down to Boise. It fits the character of the surrounding property and provides a long-needed service to the area.

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Respectfully submitted,



# City of New Meadows

## Conditional Use Permit Application

Date: 8 / 11 / 16 Name: BMA Towers, LLC  
 Month/Day/Year (Applicant)

Mailing Address: 3005 W. Crescent Rim Dr. #203 Boise, Id 83706

Phone: (208) 634-9232 - \_\_\_\_\_

Name: David Eaton  
 (Owner or Stakeholder of Valid Option)

Mailing Address: same

Phone: (same) - \_\_\_\_\_

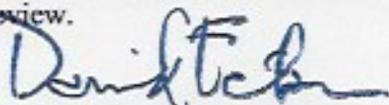
Location: Southend Road Lot/Block Number: Legal Description attached

APPLICATION PROCEDURE: At a minimum, the application shall contain the following information before application is to be accepted:

1.  Name, address and phone number of applicant
2.  Name, address and phone number of owner or stake holder
3.  Legal Description of the property
4.  Description of existing use
5.  Zone District
6.  Description of proposed variance or conditional use
7.  Site Plan (drawn to scale which shows the property that is under consideration, location of all improvements and the specific information concerning the request)
8.  Objective narrative stating the reasoning for a variance or conditional use and the justification of the request
9.  Certificate of Ownership (the certification of a reputable Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of the property and of any interest shown therein of record.)
10.  A list of all property owners and their mailing within a 300 foot radius from external property boundaries of the subject property. (This information must be provided by and certified to by a licensed Title Company doing business in Adams County)
11.  ALL applicable application fees (applicant to be invoiced for all postage, advertisements, legal review, engineering review after process)

	Fee:	Paid:
Conditional Use Permit-Residential	\$100	
Conditional Use Permit-Non-Residential	\$250	

The date of the public hearing will be established by the Administrator upon acceptance of a completed application and review.

Applicant Sign:  Date: \_\_\_\_\_  
 Owner of Record Signature: Kyle Kerby Date: \_\_\_\_\_  
 Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## City of New Meadows Application for Design Review

Name of Development: New Meadows Cell Tower Date: August 11, 2016  
 Name of Developer: BMA Towers LLC Name of Owner: David Eaton  
 Contact Phone #: (208)634-9232 Contact Phone #: (same) -  
 Address: 3005 West Crescent Rim Dr. #203 Address: Same  
Boise, Idaho 83706

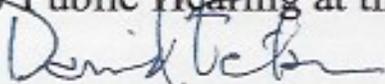
Legal Description of Property: Attached to narrative  
 Current Zoning of Property: Industrial

APPLICATION PROCEDURE: At a minimum, the application shall contain the following information before application is to be accepted:

1.  Name, address and phone number of applicant
2.  Name, address and phone number of owner or stake holder
3.  Legal Description of the property
4.  Conceptual drawings and design of all buildings, landscaping, lighting and parking
5.  Site Plan (drawn to scale which shows the property that is under consideration, location of all improvements and the specific information concerning the request)
6.  Brief narrative describing the development
7.  Certificate of Ownership (the certification of a reputable Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of the property and of any interest shown therein of record.)
8.  A list of all property owners and their mailing address within a 300 foot radius from external property boundaries of the subject property. (This information must be from a licensed Title Agency in the State of Idaho)
9.  Elevations of each building site (if applicable)
10.  Determination of flood plain limits
11.  Description of water course alterations or diversion structures (if applicable)
12.  Certified by a registered professional engineer that flood proofing and elevations are correct and comply with Section 5 of Ordinance #288-04
13.  Availability of public facilities such as streets, sewage, water, etc. to support the proposed uses
14.  Compatibility of the allowable uses with the surrounding areas
15.  Notarized Affidavit of Legal Interest (if applicable)
16.  ALL applicable application fees (applicant to be invoiced for all postage, advertisements, legal review, engineering review during the process)

Description	Fee	Fee Collected (Official Use Only)
Design Review	\$100.00	

The New Meadows Planning & Zoning Commission may require a Design Review Public Hearing at their discretion.

Applicant Signature:  Date: 8/11/16  
 Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## COMMUNICATION FACILITY SITE LEASE AGREEMENT

THIS SITE LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by J.I. Morgan, Inc., an Idaho corporation, having a mailing address of P.O. Box D, New Meadows, ID 83654 ("**Landlord**") and BMA Communications, LLC, an Idaho limited liability company, having a mailing address of 3005 Crescent Rim Drive, Unit 203, Boise, ID 83705-2820 ("**Tenant**").

### BACKGROUND

Landlord owns and controls that certain plot, parcel or tract of land, together with all rights and privileges arising in connection therewith, located at Highway 95 and South End Road, in the City of New Meadows, Adams County, Idaho (the "**Property**"), more particularly described on **Exhibit "1"** attached hereto. Tenant desires to lease a portion of the Property for the purpose of constructing, leasing, operating and maintaining a telecommunications tower, along with supporting structures and improvements (hereinafter collectively the "**Communication Facility**") in connection with federally licensed communications businesses. Landlord desires to grant to Tenant the right to use a portion of the Property in accordance with this Agreement.

The parties agree as follows:

#### 1. TERMS OF LEASE.

(a) Landlord hereby leases to Tenant a certain portion of the Property containing:

(i) approximately ten thousand (10,000) square feet of land (hereinafter the "**Premises**") including the air space above land for the placement of Tenant's Communication Facility and related improvements necessary for the construction, operating and maintenance of said Communication Facility, the location of such land being generally described on attached **Exhibit 2** ;

(ii) the right of ingress and egress across a designated portion of the Property described on **Exhibit 1** for the benefit of Tenant, together with Tenant's employees, agents, contractors and future Communication Facility tenants, as reasonably necessary for necessary for the construction, operating and maintenance of said Tower;

(iii) Landlord agrees that Tenant shall have the right to install replace and maintain utility lines, wires, poles, cables, conduits, pipes and other necessary connections over or along any right-of-way extending from the nearest public right-of-way to the Premises. Notwithstanding the foregoing, Tenant, to the extent feasible, shall locate all lines, wires,

conduits and cables on preexisting routes from the roadway into the leased Premises. In addition, Tenant shall have the right to fence the leased Premises as necessary to secure the Communication Facility and other improvements for purposes of security and public safety.

By: Kyle Kerby  
Kyle Kerby, President

6/6/16

By: David Eaton  
David Eaton, Managing Member

**Exhibit 1- Legal Description of Landlord's Property**

**Exhibit 2 – Legal Description of Premises**



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2016-ANM-2288-OE

Issued Date: 08/02/2016

BMA Towers, LLC  
 David Eaton  
 3005 W. Crescent Rim Dr. #203  
 Boise, ID 87306

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower
Location:	New Meadows, ID
Latitude:	44-58-00.10N NAD 83
Longitude:	116-17-00.50W
Heights:	3869 feet site elevation (SE) 182 feet above ground level (AGL) 4051 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

This determination expires on 02/02/2018 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202) 267-4525. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-ANM-2288-OE.

**Signature Control No: 299152491-300670680**

( DNE )

David Maddox  
Specialist

Attachment(s)  
Frequency Data

cc: FCC

Frequency Data for ASN 2016-ANM-2288-OE

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
698	704	MHz	40	W
728	734	MHz	40	W
1750	1755	MHz	40	W
1850	1865	MHz	40	W
1930	1945	MHz	40	W
2110	2155	MHz	40	W