

Here are Dan's original attachments along with my addition of the federal code section of PRB-1 that is the most pertinent. Don Clower's concerns are on point. The proposed ordinance is an overreach.

Title 47, US Code of Federal Regulations §97.15 Station antenna structures. (b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. **[State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. See PRB-1, 101 FCC 2d 952 (1985) for details.]**

Bob Minton NU7L, Idaho ASM

As most of you know, Canyon County is currently reviewing their ordinance that if amended as they've outlined, will affect the construction of ham towers and antennas in that county.

Canyon County reached out to the ham community for comment at the last weeks VOI club meeting that I hope is the beginning of an open dialog with them.

Their representative, Kate Dahl and I have exchanged a couple of emails since that look promising; I should know more next week.

I have suggested a small knowledgeable committee of hams be formed to work with Canyon County, representing our interests; they appear to be open that idea.

Separately, I suggested that Don Clower, KA7T and Richard Dees, W7BOI head up that committee with others to be added. Don has since provided a list of those he would like included in addition to Richard, and he has my total support. I'll let everyone know more about the makeup of that team as soon as the list has been finalized.

In the meantime, I have attached three documents of interest...

- Private Tower Ordinance_Draft2 - **Canyon County's most recent Tower Ordinance Draft**
- Canyon County tower ordinance amending concerns - **A summary list of concerns as laid out by Don Clower, KA7T**
- 11-15-2018-PZ-Minutes - **A copy of Canyon County P&Z minutes dated 11/15/2018 (Take note to New Business- Action Items)**

Note: This email is being sent to the Idaho ARRL advisory committee and separately to individuals involved that are not part of the Advisory committee.

I will keep everyone informed throughout this process..

I am requesting your comments, input and suggestions.

ORDINANCE NO.

17-

AN ORDINANCE AMENDING CANYON COUNTY CODE, CHAPTER 7, SECTION 07-02-03 TO AMEND THE DEFINITION OF TELECOMMUNICATION FACILITY; TO AMEND CHAPTER 7, SECTION 07-10-27 TO ADD TOWER OR ANTENNA STRUCTURE, PRIVATE TO THE ZONING AND LAND USE MATRIX; AND ADD A NEW SECTION 07-14-30 TO PROVIDE USE STANDARDS FOR TOWER OR ANTENNA STRUCTURE, PRIVATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CANYON COUNTY, IDAHO, THAT CANYON COUNTY CODE, CHAPTER 7, BE AMENDED AS FOLLOWS:

SECTION 1: Amending the definition of Telecommunication Facility to exempt private tower or antenna structures:

07-02-03: DEFINITIONS ENUMERATED

TELECOMMUNICATION FACILITY: ~~Public or private~~Commercial cellphone, broadcast, communication, or wireless internet towers and associated facilities, not including private tower or antenna structures.

SECTION 2: Amending Section 07-10-27 to add Tower or antenna structure, private:

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

ZONING AND LAND USE MATRIX

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2
Tower or antenna structure, private	A	A	D	D	A	A	A	A

SECTION 3: Amending Section 07-14-30 to add use standards for Tower or antenna structure, private:

07-14-30 Tower or Antenna Structure, Private

1. The tower or antenna structure is only for private, not commercial, use.

2. The tower or antenna structure is accessory to a permitted or approved use.
4. The Tower must have a fall zone completely within the subject property.
5. If the tower structure does not exceed the height limit for the applicable base district and is approved by the FCC and is secured to an existing permitted building, it shall not require building permit approval.
6. Those over the height limit of the zone district, and/or standalone towers shall obtain a building permit prior to construction.
3. Towers located in the R-1 and R-2 district over (6') in height shall be permitted through the Director's Administration Decision Process.
4. All building permit applications for amateur radio antennas shall be accompanied by written approval from, if applicable from the Federal Aviation Administration, Chief of Idaho Bureau of Aeronautics, and nearest community Airport Commission.
5. All building permit applications shall submit a report from a qualified and licensed professional engineer and installed in accord with the manufacturer's specifications that describes the facility height and design (including a cross section and elevation). The report must include the engineer's stamp and registration number.
6. A non-operational or abandoned tower or antenna structure shall be removed within (6) months of abandonment.

SECTION 4. EFFECTIVE DATE

This ordinance shall be in full force and effect upon publication.

ADOPTED AND APPROVED this_day of_, 2019.

**BOARD OF COUNTY
COMMISSIONERS CANYON
COUNTY, IDAHO**

Yes No Did Not Vote

Tom Dale, Chairman

Commissioner Pam White

Commissioner Leslie Van Beek

Attest: Chris Yamamoto, Clerk

By:

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Canyon County tower

Ordinance amending concerns

List of concerns as laid out by

Don Clower, KA7T

7. No grandfather clause.
8. R1 and R2 having to get such a high approval
9. Listing towers private instead of HAM radio towers, we are not fighting for CB'ers and other un-regulated folks that want to put up a tower. We are an APPROVED organization by Congress for our ability to conduct emergency communications and provide for a TRAINED group of radio operators.
10. Fee structure
11. What is the regulated height for Canyon County
12. Having to get a permit for freestanding towers
13. Getting approval from an engineer who has probably never seen a tower and the added cost for such a structure inspection.
14. There are already Federal guidelines for towers near airports.
15. Why all of a sudden does Canyon County need permits for hams?
They never had one before. I know several hams who were told no permits needed just put them up. Have there been complaints from folks about ham towers?
16. No understanding of the proposal about why towers need to be high. Better communications and reduce interference levels. No knowledge of 1/2 wave heights shown by this document.
17. This proposal will keep many hams from ever putting up a tower if the cost from the County is higher than the cost of the tower.
18. Ham radio towers named in Ada County ordinance. The whole proposal shows a complete lack of understanding of Ham Radio and the service we provide and the tools we need. A trip out to WJ9B antenna farm should be conducted to show how we operate. At least pictures of Willie's place or mine. A tour of the shack to show the equipment and how they work. We will do better if she has some understanding of Hams and how to operate

73 Don KA7T