NOTICE OF PUBLIC HEARING
BEFORE THE BOARD OF COUNTY COMMISSIONERS
ON PROPOSED EMERGENCY ORDINANCE TO ALLOW SITING OF PORTABLE CELLULAR SYSTEM FACILITIES IN UNICORPORTED AREAS OF CASSIA COUNTY, IDAHO

NOTICE IS HEREBY GIVEN that a public hearing will be held on Monday, the 23rd day of November, 2026, at 12:15 o'clock P.M., or as soon thereafter as the matter may be heard, at 1459 Overland Avenue, Cassia County Commission Chambers Room 206, Burley, Idaho before the Cassia County Board of County Commissioners regarding a proposed emergency ordinance declaring an emergency due to loss of existing telecommunications facilities compromising critical communication infrastructure; allowing for an application, application requirements, assessment of application fee; the rapid deployment, and operation of Portable Cellular Systems and associated equipment within the unincorporated areas of Cassia County; providing for application, expedited administrative review, conditions of siting, and removal upon termination and penalty for failure to remove; providing a severability clause; fixing a mandatory termination date no later than 182 days after approval; and providing an immediate effective date.

A copy of the proposed ordinance and information concerning the hearing process is available for review by the public at the Zoning and Building Department Office, Room 210, of the Cassia County Courthouse, 1459 Overland Avenue, Burley, Idaho prior to the hearing, during normal business hours or the proposed ordinance is available to view online: https://www.cassia.gov/public-notices.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CASSIA COUNTY, STATE OF IDAHO

ORDINANCE NO. 2026-11-01

AN EMERGENCY ORDINANCE OF CASSIA COUNTY, IDAHO, DECLARING AN EMERGENCY DUE TO THE LOSS OF ACCESS TO AN EXISTING TELECOMMUNICATIONS TOWER COMPROMISING CRITICAL COMMUNICATION INFRASTRUCTURE; AUTHORIZING PORTABLE CELLULAR SYSTEMS FACILITIES IN THE UNINCORPORATED AREAS OF CASSIA COUNTY; PROVIDING FOR APPLICATION AND APPROVAL REQUIREMENTS, TO INCLUDE APPLICATION AND FEE, SETBACKS, COMPLIANCE MEASURES AND EXPEDITED AUTHORIZATION; AND ESTABLISHING REMOVAL ON TERMINATION OF PERMIT/PENALTY FOR FAILURE TO REMOVE; PROVIDING FOR TERMINATION AND EXPIRATION OF THE EMERGENCY ORDINANCE, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Board of Commissioners for Cassia County, pursuant to Idaho Code §67-6523, has issued a written statement finding imminent peril to the public health, safety, and welfare, requiring the immediate adoption of an emergency ordinance to allow the expedited, temporary deployment of Portable Cellular Systems (PCS) facilities in unincorporated areas of Cassia County for existing services that will be lost or impacted by decommissioning of towers; and

WHEREAS, an emergent situation has occurred involving the sudden decommissioning and loss of access to an existing telecommunications tower structure that is threatening immediate disruption to local cellular networks and wireless internet lines, which creates a service gap that negatively impacts emergency services communications; and

WHEREAS, the current standard zoning regulations do not explicitly authorize the rapid, immediate deployment of PCS, such as cellular-on-wheels (COWs) and cellular-on-light-trucks (COLTs), to bridge service interruptions; and

WHEREAS, Idaho Code § 67-6523 empowers the Board of County Commissioners to enact emergency ordinances and pass temporary regulatory amendments without fulfilling standard public notice and hearing protocols when an imminent peril to public health, safety, or welfare is demonstrated; and

WHEREAS, the Board finds that the loss of network and emergency response communications constitutes an immediate threat to the public health, safety, and welfare, requiring an emergency mechanism to maintain uninterrupted wireless and internet connectivity, and to provide public emergency communications system access.

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

SECTION 1: DECLARATION OF EMERGENCY

The Board of County Commissioners hereby finds and declares that an emergency exists due to the sudden and critical loss of access to an established, existing communication tower facility. This infrastructure failure poses a direct and imminent peril to emergency communications, public health, safety, and welfare. Immediate authorization for temporary telecommunication replacements is required to maintain essential services, justifying the adoption of this emergency ordinance under the authority of Idaho Code § 67-6523.

SECTION 2: AUTHORIZATION OF PORTABLE CELLULAR SYSTEMS (PCS) IN UNINCORPORATED AREAS OF CASSIA COUNTY

Notwithstanding any conflicting provisions in the Cassia County Code zoning regulations, temporary communication towers, antennas, and mobile cellular deployment equipment —collectively referred to herein as Portable Cellular Systems (PCS) — are permitted as a temporary use within the unincorporated areas of Cassia County, subject to a complete application and compliance with the requirements as hereinafter set forth.

SECTION 3: APPLICATION AND APPROVAL REQUIREMENTS

All PCS facilities and supporting equipment permitted under this emergency ordinance must comply with the following:

1. Application and Fee: Applicant will make a completed application to the Cassia County Zoning and Building Department to site, install and operate PCS facility.
    a. A separate application and fee are required for each individual site.
    b. Applications must be submitted on an official form provided by the Cassia County Zoning and Building Department.
    c. Each application must be accompanied by a non-refundable fee of One-Hundred Dollars ($100.00).

d. Temporary siting of PCS facility under this ordinance shall not exceed One-hundred eighty-two days (182), or the date of termination of this ordinance, whichever occurs first.

e. Applicant will provide a detailed site plan for the proposed PCS, drawn to a clear and measurable scale to clearly identify features on the site. The site plan must explicitly illustrate the following:

   i. The location and dimensions of all existing and proposed structures on the subject property;

   ii. All traffic access points, driveways and/or approaches, and easements;

   iii. The location of all overhead and underground utilities, including power lines, gas lines, and other utilities and/or easements of record; and

   iv. The location of the nearest off-site residence, including the exact setback distance measured from the residence to the base of the proposed tower.

f. Applicant must provide a narrative statement explaining the reason(s) for the service disruption or termination, and why the PCS is necessary. This statement must provide sufficient detail to fully inform the County about the proposal.

g. Applicant must provide an executed lease or written consent from the landowner(s) authorizing the siting of PCS on their property. Also, landowner(s) must sign application as a co-applicant.

h. No site work or placement may begin until a complete application has been submitted to the County, and an approval is issued by the Zoning and Building Department.

2. **Setbacks:** PCS towers must be set back from property lines of the parcel on which they are situated as follows:

   a. **Standard Setback:** Except as provided in subsection (b) below, the setback distance shall be equal to at least one hundred percent (100%) of the height of the tower, measured from the base of the tower structure to the closest property line.

   b. **Fall-Zone Certification Exception:** The setback requirement may be reduced to a distance less than the height of the tower—down to an absolute minimum of sixty feet (60') from any property line—*only if* the applicant provides a certification or structural report stamped by a professional engineer licensed in the state of Idaho proving that the tower is designed and engineered to collapse upon itself in the event of structural failure.

3. **Compliance Measures:** Applicant will provide, as part of a complete application:
   a. A written statement or technical documentation from manufacturer certifying that the PCS meets industry standards such as ANSI/TIA-222-I or its successor, or other manufacturer documentation that the system is structurally sound and in compliance with the International Building Code.
   b. A written statement certifying that the installation and operation of the PCS will comply with all applicable Federal Communication Commission (FCC) requirements, and will not cause harmful interference to public safety communications or any existing radio, television, or other communication services within the surrounding area."
   c. Proof of filing with the Federal Aviation Administration (FAA) for allowance of installation of PCS, and submittal of FAA approval once it is granted.
   d. Towers shall not be artificially lighted except as required by the Federal Aviation Administration ("FAA") or the Idaho Department of Transportation ("ITD").
   e. A detailed energization plan for the PCS. If generator will be used, provide a noise mitigation plan to minimize impact on neighboring properties.
4. **Expedited Authorization:** The County Zoning Administrator is hereby authorized to issue an expedited, temporary administrative permit within two (2) business days of verifying that the application is complete and that the proposed temporary deployment complies with the requirements of this ordinance. Any temporary permit issued pursuant to this ordinance will only be valid for a maximum of one-hundred eighty-two (182) days from date of issuance and shall automatically terminate upon the expiration or termination of this ordinance is terminated, whichever occurs first.
5. **Removal of PCS upon termination of Permit/Penalty for failure to remove:** The permit holder(s) and/or landowner(s) must remove the PCS from the subject parcel within 48 hours after the temporary permit terminates for any reason. Failure to remove PCS within this timeframe constitutes a violation of County Code and is subject to enforcement and penalties as a misdemeanor under Chapter 4, Title 1, Cassia County Code.

SECTION 4: TERMINATION AND EXPIRATION

Pursuant to Idaho Code § 67-6523 and the directives of this Board, this emergency ordinance is temporary. It will automatically expire and cease to have any regulatory or legal force no later than one hundred eighty-two (182) days after its approval, or immediately upon the Board's adoption of a permanent ordinance regulating PCS facility siting in the unincorporated County, whichever occurs first.

SECTION 5: SEVERABILITY
If any clause, paragraph, item or provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, that judgment shall not impair or invalidate the remaining legal sections of this Ordinance.

SECTION 6: EFFECTIVE DATE
This Ordinance is enacted to remedy an active emergency affecting public health, safety or welfare. It shall be in full force and take effect immediately upon its final passage by the Board and approval by the Chair.

PASSED, APPROVED, AND ADOPTED by the Board of County Commissioners of Cassia

County, Idaho, this _____ day of _____, 2026 at _____ o'clock p.m.

BOARD OF COMMISSIONERS
CASSIA COUNTY, IDAHO

By:_____
Leonard M. Beck, Chair

ATTEST:
Clerk of the Board

By:_____
Sharene Ahlin, Deputy Clerk