

Date Received:

LAND MANAGEMENT DIVISION



TYPE I LAND USE APPLICATION – Telecommunications Tower: Section 6409(a) Spectrum Act Collocation

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only, FILE #

FEE:

GENERAL SUBMITTAL INFORMATION

Applicant (print name):

Mailing address:

Phone: Email:

Applicant Signature:

Agent (print name):

Mailing address:

Phone: Email:

Agent Signature:

Land Owner (print name):

Mailing address:

Phone: Email:

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit if necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature:

LOCATION

Township Range Section Tax Lot(s)

Site address

Proposal (Describe the work that is being proposed)

## REQUIRED SUBMITTALS

(Also reference the Application Standards handout)

### Lane Code 14.020 (3)(b) Electronic Materials.

- (i) When application or appeal materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received by the Director or not confirmed by the Director to have been received.
- (ii) When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

### Lane Code 14.040 Application Requirements

- (1) **Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:
  - (a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size;
  - (b) All applicable information requested on the application form;
  - (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
  - (d) Signature of each applicant;
  - (e) Signature of a property owner or property owner's authorized representative;
  - (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
  - (g) Assessor's map and tax lot number of the subject property;
  - (h) A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;

A site plan must be included. Refer to the handout entitled "How to prepare your plot plan." Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.
  - (i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;
  - (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
  - (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
  - (l) A written statement indicating whether a railroad-highway crossing provides or will provide the only access to land that is the subject of an application; and

Does a railroad-highway crossing provide the only access to the subject property?  
Yes \_\_\_ No \_\_\_
  - (m) Additional information needed to evaluate applicable standards and criteria.

- (2) **Fees Required.** In addition to any other applicable approval criteria, an approvable Type II or III application must be accompanied by the appropriate filing fee unless the Director authorizes a waiver or reduction to filing fees pursuant to Lane Manual Chapter 60.850.
- (3) **Determination of Application Requirements.** The Director may waive any of the requirements of subsection (1) above if deemed to be inapplicable to the application.
- (4) **Applicant's Burden.** It is the applicant's responsibility to provide evidence demonstrating that the application complies with all applicable standards and criteria.

**ADDITIONAL INFORMATION REQUESTED FOR THIS APPLICATION:**

**ZONING** \_\_\_\_\_ **ACREAGE:** \_\_\_\_\_

**DESCRIBE THE ACCESS TO THE PROPERTY** (circle the answer):

State Hwy          County Rd          Public Rd          Private Easement

Road name: \_\_\_\_\_

**NUMBER OF EXISTING DWELLINGS ON PARCEL:**

\_\_\_\_\_

**EXISTING IMPROVEMENTS:** What structures or improvements does the property contain (i.e., outbuildings, roads, driveways, wells, septic tanks, drainfields)? Will any structure or improvement be removed or demolished?

\_\_\_\_\_  
 \_\_\_\_\_

**PHYSICAL FEATURES:** Describe the site.

- The Vegetation on the property: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

- The Topography of the property: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

- Any Significant Features of the property (steep slopes, water bodies, etc.): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

## SPECTRUM ACT EXEMPTION ELIGIBILITY REVIEW

**EQUIPMENT SPECIFICATIONS** Provide documentation describing the following:

1. Installation status (e.g., removing, updating, collocating)
2. Type of equipment involved (description)
3. Proposed equipment specifications (dimensions and weight)
4. Tower or base station specification (dimensions prior to collocation)
5. Tower or base station specifications (design dimensions after proposed to collocation)
6. Equipment mount type
7. FCC antenna structure registration number (if applicable)
8. Will collocation equipment require lighting? Yes \_\_\_\_\_ No \_\_\_\_\_ (check 1)
9. Is the facility proposed on a tower within a public right of way? Yes \_\_\_\_\_ No \_\_\_\_\_ (check 1)
10. Has the tower or base station been lawfully permitted by Lane County? Yes \_\_\_\_\_ No \_\_\_\_\_ (check 1)
11. If the answer to question 10 is yes, then provide the approved building permit number and planning file number: 509-BP\_\_\_\_-\_\_\_\_\_ and 509-PA\_\_\_\_-\_\_\_\_\_

### ELIGIBILITY REVIEW

Provide a detailed narrative describing how the proposed modification does not constitute a substantial change as that term is defined by the Federal Communications Commission Ruling (FCC 14-153) and addressing the criteria of Lane Code 16.264(6). Where necessary, attach additional supporting documentation.

#### **(6) Spectrum Act Eligible Facilities Requests.**

**(a) Review Process.** An eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station will be processed as a Type I determination pursuant to LC Chapter 14 and LC 14.050(2)(c).

**(b) Definitions.** Terms in this subsection are defined as provided by 47 C.F.R. 1.40001(b). In the case of conflict between the definitions provided in subsection (2) above and the definitions of 47 C.F.R. 1.40001(b), the definitions of 47 C.F.R. 1.40001(b) prevail.

**(c) Standards.** Type I eligible facilities requests are those that do not constitute a substantial change in the physical dimensions of an existing tower or base station, where substantial change is defined as any of the following:

**(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;**

**(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.**

---

---

---

---

**(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;**

---

---

---

---

**(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;**

---

---

---

---

**(iv) It entails any excavation or deployment outside the current site;**

---

---

---

---

**(v) It would defeat the concealment elements of the eligible support structure; or**

---

---

---

---

**(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (6)(c)(i) through (iv).**

---

---

---

---

**(d) If the facilities request for modification of an existing tower or base station will substantially change the physical dimensions of such tower or base station, the application will be subject to subsection (5) of this section, a Type II procedure.**

Only eligible facilities requests will be approved through the Type I Spectrum Act Collocation procedure. If the proposed modification will substantially change the physical dimensions of such tower or base station a Type II Telecommunications Tower: Collocation or Type III Telecommunications Tower application, as applicable, will be required.

### **LC 16.264(3) STANDARDS**

**NOTE: Completion of this section is not required for eligible facilities qualifying for the Section 6409(a) "Spectrum Act" exemption. The following standards are set forth for informational purposes and will be made informational conditions of approval only.**

**LC 16.264(3) Standards applicable to all telecommunication facilities.**

**(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.**

Will the collocation have any lighting? Yes No

If Yes, supply proof that a federal or state agency requires the lighting.

**(i) Within a forest zone, the following standards shall apply:**

**(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.**

**(ii) Private roads and driveways that provide access to transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).**

These firebreak standards will be a condition of approval in the forest zones.

**LC 16.264(5)(c) Performance standards.**

**Collocations shall comply with the following:**

**(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).**

**(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.**

**(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation. (Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05)**