

Date Received:

LAND MANAGEMENT DIVISION



TYPE II LAND USE APPLICATION – Telecommunications Tower: 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

Assessor's Map and Tax Lot

Site address

Proposal (Describe the work that is being proposed)

Three horizontal lines for describing the proposal.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

SITE PLAN 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.

ZONING _____

ACREAGE: _____

FIRE DISTRICT: _____

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

State Hwy County Rd Public Rd Private Easement

Road name: _____

Does a railroad or highway crossing provide the only access to the property (circle)? Yes No

PRIOR DECISIONS: Provide information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property.

NUMBER OF EXISTING DWELLINGS ON PARCEL: _____

EXISTING IMPROVEMENTS: What structures or development does the property contain? Will any structure be removed/demolished besides the existing dwelling?

PHYSICAL FEATURES: Describe the following physical features of the property.

- The vegetation on the property: _____

- The Topography of the property: _____

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

PART 1 – 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:_____

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 (FCC14-153). Specifically state how the proposal will or will not trigger the 6 substantial change thresholds listed below. Where necessary attach additional supporting documentation:

1. For towers other than towers in the public rights-of-way, will the proposal increase 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, will the proposal increases the height of the structure by more than 10% or more than ten feet, whichever is greater?

2. For towers other than towers in the public rights-of-way will the proposal involve 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, will the proposal involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet?

3. For any eligible support structure, will the proposal involve the 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, will the proposal involve the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the

structure, or else will the proposal involve the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure?

4. Does the proposal entail any excavation or deployment outside of the current site?

5. Will the proposal defeat the effect of existing concealment elements? Concealment elements include, but are not limited to, artificial tree branches or painting to match a supporting façade.

6. Will the proposal fail to 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 *substantial change* as that term is defined in the October 21, 2014 Federal Communications Commission (FCC) ruling FCC14-153.

PART 2 – LC 16.264 REQUIRED SUBMITTALS

NOTE: Completion of this section is not required for eligible facilities qualifying for the Section 6409(a) “Spectrum Act “exemption.

LC 16.264(5)(b) Required submittals. An application for a collocation shall include the following information:

___ (1) **A site plan, drawn to scale, showing:**

- (A) **Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;**
- (B) **Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and**
- (C) **Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.**

___ (2) **A description of the tower design and height. The description shall include:**

- (A) **A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;**
- (B) **The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.**

- ___ (3) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.
- ___ (4) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.
- ___ (5) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.
- ___ (6) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.
- ___ (7) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).
- ___ (8) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.
- ___ (9) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.
- ___ (10) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval. – This cannot be made a condition of approval.
- ___ (11) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design. During the review and approval process, the Director may request additional information including but not limited to, balloon tests, photo simulations, and other measures of visual impact.

PART 2 – LC 16.264 APPROVAL CRITERIA

NOTE: Completion of this section is not required for eligible facilities qualifying for the Section 6409(a) “Spectrum Act “exemption.

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

Answer every question. Attach additional pages if necessary.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

Height of the collocation from ground level: _____

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

How will the collocation comply with these standards? _____

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

What evidence are you submitting that you have complied with this requirement? Attach additional pages if necessary. _____

(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.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

How will be equipment area be enclosed? _____

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

Will there be any signs? Yes No

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

- (i) The new equipment does not increase the tower height or base diameter.**
- (ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).**
- (iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.**
- (iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.**
- (v) The new equipment shall have a similar exterior color as the existing equipment.**

If your project complies with LC 16.264(g) or (h), a land use application is not required.

(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 new or replacement 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.

(j) Notice. In lieu of the notice area in LC 14.060(4)(a), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.060(4)(a), as applicable.

The Land Management Division will send notice as required in subsection (j).

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)