

LAND MANAGEMENT DIVISION



TYPE III LAND USE APPLICATION – Telecommunications Tower:

New or Replacement

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

For Office Use Only: FILE #

FEE:

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: _____

Land Owner Signature: _____

LOCATION

Township Range Section Taxlot

Site address

PROPOSAL: A request for Type II (Director) Approval of a Telecommunications Tower OR Replacement Tower, pursuant to Lane Code 16.264.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings.

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: _____

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

State Hwy County Rd Public Rd Private Easement (provide a copy)

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.

EXISTING IMPROVEMENTS: What structures or development does the property contain? Will any structure be removed/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.): _____

REQUIRED SUBMITTALS

LC 16.264(4)(c) Required submittals. The application shall contain the following information:

- ___(i) 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.
- ___(ii) 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 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;
 - (C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.
- ___(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).
- ___(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). 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.
- ___(v) 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.
- ___(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.
- ___(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).
- ___(viii) Evidence of the notification and the neighborhood meeting.
- ___(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.
- ___(x) 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.

APPROVAL CRITERIA

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 tower 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 tower 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? Explain the evidence.

(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 tower 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(h)(i)-(iv), 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 transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

These fire break standards will be a condition of approval.

(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(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with Type III procedures of LC Chapter 14, except the LC 14.060(4)(a) noticing requirements does not apply to applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

A hearing will be required for this application.

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

A neighborhood meeting is required prior to submittal of this application. Submit a copy of the published notice.

When was the meeting held? _____

Where did the meeting take place? _____

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

- (A)** Lack of useable and compatible collocation space;
- (B)** Inability to meet service coverage area and capacity needs; or
- (C)** Technical reasons such as channel proximity and inter-modulation.

How will the tower comply with these standards? _____

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

How many users is the tower designed to accommodate? _____

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

Have you attached the NIER report? Yes No

(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

Is the site accessed by a private road? Yes No

If yes, submit a copy of the easement.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

Registration number: _____

These requirements will be a condition of approval. If you know the FAA registration number, write it on the indicated space.

(e) Setbacks and separation requirements.

(i) Setbacks. The tower shall comply with the setback of the base zone.

(ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

How will the tower comply with the setback and separation standards? _____

See the next page for expiration dates and renewal requirements.

(f) Expiration and Renewal of the Special Use Permit.

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.090(6), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC Chapter 14. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

These will be conditions of approval.

See the next page for siting standards & criteria.

SITING CRITERIA

Address how the proposal complies with the siting criteria for the subject property's zoning:

FOREST ZONED PROPERTIES ONLY:

Lane Code 16.210(6): F1 (Nonimpacted Forest)

Lane Code 16.211(8): F2 (Impacted Forest)

The siting criteria listed below references the F2 zone. However, the F1 zone contains identical criteria.

These standards are designed to make the proposed dwelling compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

The standards in LC 16.211(8)(a)-(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

- (i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;**

Explain the reasons for siting the tower in the proposed location.

- (ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and**

Will the tower encroach into a forested area or be located in an existing open area? Explain:

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 and at least 30 feet from the adjoining lines of property zoned F-2 or EFU; and

On the site plan, show the proposed tower and the property lines.

Is the tower within 500 feet of adjoining property zoned F-1? Yes No

If yes, explain: _____

Is the tower within 130 feet of adjoining property zoned F-2 or EFU? Yes No

If yes, explain: _____

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

Is there a water body on the property? Yes No

If so, it must be indicated on the site plan. The dwelling must be at least 100 feet from the ordinary high water mark of a Class I stream. The location of the ordinary high water mark is determined by planning staff. A "Riparian Declaration" application is required if the tower is within 125 feet of the ordinary high water mark. You will be notified if a riparian declaration is required.

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all other property lines; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

In the F2 zone, the tower and all associated structures must be at least 30 feet from any property line, and 20 feet from the right-of-way of a state road, County road or a local access public road. In the F1 zone, the tower and all associated structures must be at least 10 feet from any property line, and 20 feet from the right-of-way of a state road, County road or a local access public road. Some roads have additional setback requirements. Refer to Lane Code Chapter 15 for additional road setbacks.

Does the plan comply with these setbacks? Yes No

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

Explain how the location of the proposed tower and access drive minimize intrusion into the forest.

(c) Fire Siting Standards. These standards are superceded by LC 16.264(3)(i).

Once you have established the fuel break, submit the "Verification of Conditions". Planning staff will visit the site to verify the construction meets the standards of the code. Contact staff (541-682-3577) for details regarding fire break standards.

(d) Domestic Water Supplies.

The use is not a dwelling and will not require any water other than for fire suppression. Identify the water source for fire suppression.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

These construction standards will be a condition of approval and will be verified by staff. In addition, refer to the "General Access Requirements" on page 2 of this form.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

Are you proposing a dead-end road? Yes No

Is it over 200 feet long? Yes No

If yes, it must contain turnouts. Explain: _____

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from a engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

Will the driveway or road contain any culverts or bridges? Yes No

If yes, explain: _____

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

Will the road or driveway contain any slopes in excess of 8% or 16%? Yes No

If yes, explain: _____

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

Will the road provide access to more than three dwellings? Yes No

If yes, the road must be named. This will be a condition of approval and a road name application will be included with the packet that is sent to you.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

The driveway must be 12 feet wide. How wide is the driveway? _____

Is it over 200 feet long? Yes No

If yes, it must contain turnouts. Turnouts are not required if the driveway is 16 feet wide.

Will the driveway have turnouts? Yes No

Will the driveway be 16 feet wide? Yes No

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

Are you proposing any modifications or alternatives to the road or driveway standards? If yes, explain. Attach additional pages of necessary.
