

**8.8.17a**      **Telecommunication Towers**

**8.8.17a.1**    **Additional Information**

In addition to the information required in Subsections 8.2 and 8.8, the following shall be submitted as part of the application.

- a) A Site Plan showing site and size of all existing structures within 500 feet of the site, existing and proposed topography at a contour interval of five feet and any officially designated floodways and floodplains, or the presence of alluvial soils.
- b) Plans, and elevations for all proposed structures and descriptions of the color and nature of all exterior material.
- c) A Landscape Plan showing, at the same scale as the Site Plan, existing and proposed trees, plus shrubs, ground cover and other landscape materials.
- d) Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower. Such evidence shall consist of:
  - 1) A listing of all towers within a ½-mile (for towers shorter than 200 feet) or 1-mile (for towers 200 feet or taller) radius of the proposed tower site.
  - 2) Delineation of the boundaries of the maximum search range within which the tower equipment can function as intended. The following information shall be provided for all existing towers within the search range:
    - (a) Tower height, as measured from the ground to the highest point of the support structure;
    - (b) Existing and planned tower users;
    - (c) Whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or radio frequency interference; and
    - (d) If the proposed antenna cannot be accommodated on the existing tower, assess whether the existing tower could be structurally strengthened or whether the antennas, transmitters and related equipment could be protected from electromagnetic interference, and generally describe the means and projected cost of shared use of the existing tower; and

- (e) any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower; and
  - (f) any additional information requested by the County.
- 3) A summary explanation of why proposed facilities cannot be located on any of the existing towers in the search range.
- e) Documentation from applicable state or federal agencies indicating requirements which affect the appearance of the proposed tower, such as lighting and coloring.
  - f) Draft letter of credit which will guarantee the removal of the tower in the event that it is abandoned or unused for a period of 12 months.
  - g) A listing of all property owners within 1000 feet of the parcel shall be provided. Each property owner shall be notified of the public hearing in accordance with Article 2.3.3.4 (Class B Special Use Permit) or Article 8.4.5 (Class A Special Use Permit) of this Ordinance.
  - h) Photographs of a clearly-visible balloon floated at the proposed tower location to the maximum height of the towers. Photographs shall be taken from locations such as: property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.
  - i) The Special Use Permit application shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

#### **8.8.17a.2 Standards of Evaluation**

The following specific standards shall be used in deciding upon an application for approval:

- a) Adjacent to residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be equal to the height of the tower. The setback may be reduced to no less than one-half of the tower height if easements for the remaining setback distance are granted by adjoining property owners.
- b) Adjacent to non-residential uses or non-residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be the greater of 20% of the tower height, or the minimum required setback.

- c) A Type C Landscape Buffer shall be provided between the tower and adjoining property. Existing vegetation may be removed only to the extent necessary to accommodate the tower, equipment buildings, and support structures such as guy wires.
- d) The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant.
- e) Security fencing is provided around the tower base or around the perimeter of the site.
- f) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower due to one or more of the following reasons:
  - 1. The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers and the towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
  - 2. The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.
  - 3. Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.
  - 4. No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.
- g) The communications tower is structurally designed to support at least one additional user, and the Special Use Permit includes a statement that owner of the tower is willing to permit other user(s) to attach communication facilities which do not interfere with the primary purpose of the tower, provided that such other users agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
- h) The color of the tower is of light tone, except to the extent required by law, so as to minimize its visual impact.
- i) The towers will not be artificially lighted unless required by the FAA, FCC or other federal or state agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.

- j) The tower and antenna will not result in a significant adverse impact on the view of or from any historic site, scenic road, or major view corridor.
- k) All abandoned communication towers shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified contractor. The amount of the security shall be 110 percent of the estimate.
- l) A determination shall be made that the facility and its equipment will comply with all federal, state and local emission requirements, and the Special Use Permit shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.
- m) The Special Use Permit shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the Federal Communication Commission, regarding emission of electromagnetic radiation. Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards. In addition, the tower owner must provide documentation of emission levels within five working days if so requested by Orange County. Orange County may make such requests at any time, not to exceed four times per year.