

3.12 Checklist

Special Use Permit – Wireless Telecommunication Facilities

Starting the Application Process

Special Use Permits are required for new telecommunications facilities and for major modifications of existing sites (such as adding new equipment, antennas, and structures).

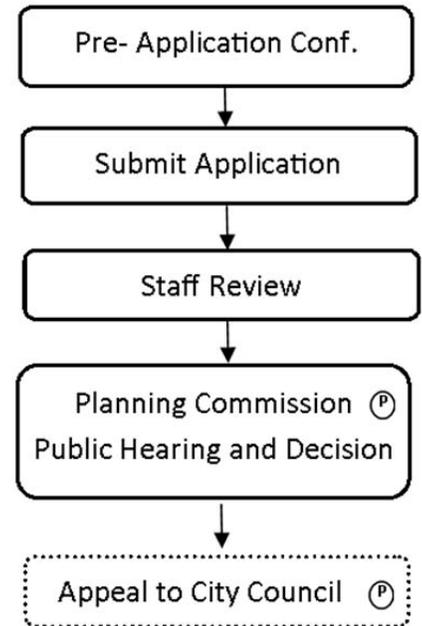
- You must discuss proposed special use permits with Planning Staff and the City's Telecommunications Consultant prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Prior to the actual meeting, the City may require that funds be placed in escrow to pay for technical review of the application.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.

- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. An application is not complete unless all the items required by the UDC are addressed. Incomplete applications will be returned to the applicant.

Your application must include the following:

- Application Cover Sheet (see [Appendix](#))
- Pre-App Verification
- Required fee and escrow
- Site plan
- Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))
- Skyline Parkway Materials, if required (see [Appendix](#))
- Evidence that the requested use will not have a negative impact on the community
- Wireless telecommunication towers*: The following information may be required and will be determined at the pre-application meeting. **This list is not all-inclusive and additional information may be required; prior to submitting an application review UDC Section 50-20.4.E.**

Special Use Permit



Ⓟ Indicates Public Hearing Required

Important Dates

Application Deadline:

Sign Notice Placed:

Planning Commission:

Effective*:

**Please note that these dates are approximate guidelines and may change*

The following information is a summary and is not all-inclusive.

- Documentation verifying the applicant's right to proceed as proposed on the site (an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization; If the applicant owns the site, a copy of the ownership record is required)
- A written statement:
 - That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the city in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules and regulations
 - That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the state
- A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements
- Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the city. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage
- The name, address, and phone number of the property owner and applicant, including the legal name of the applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner
- The zoning district or designation in which the property is situated
- The size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines
- The location of nearest residential structure
- The location, size and height of all existing and proposed structures on the property
- The type, locations and dimensions of all proposed and existing landscaping and fencing
- The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure
- The number, type and model of the antenna(s) proposed with a copy of the specification sheet
- The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users
- A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting
- The frequency, modulation and class of service of radio or other transmitting equipment;
- The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

- Signed documentation such as the "Checklist to Determine Whether a facility is Categorically Excluded" found in Appendix A of the FCC publication titled "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures and Practical Guidance" dated June 2, 2000 to verify that the wireless telecommunication facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
- A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices
- A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities
- A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design
- Certification documentation of structural analysis, including calculations that the telecommunication facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all city, state and federal structural requirements for loads, including wind and ice loads
- A written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with FAA Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application
- If the proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version;
- A demonstration that the facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility;
- A written description and drawing showing how the applicant shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility
- If a new tower, proposal for a new antenna attachment to an existing structure, or other modification will add to a visual impact, the application shall include a Visual Impact Assessment, which shall include the following:
 - If the application is for a new tower or seeks to increase the height of an existing structure, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage to illustrate locations from which the proposed installation may be seen
 - Photo simulations of before and after views from key viewpoints both inside and outside of the city as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application

meeting. The applicant shall also provide a map showing the locations of where the pictures were taken and distance from the proposed structure

- A written description of the visual impact of the proposed facility including, and as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening
- Where a certification is called for in this Section 50-35(ff), such certification shall bear the signature and seal of an appropriate registered professional licensed in the state

Public Notice

A mailed notice will be sent to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.

Staff Review

Planning staff will evaluate your application, in coordination with the City's consultant, and prepare a staff report. When considering a recommendation for a special use or interim use, Planning Staff generally review the Future the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning (including use-specific standards), individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, any additional UDC criteria, and other related factors.

Planning Commission Hearing and Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

- Bring a copy of the Action Letter and approved plans when you submit your building permit.

Note that other city codes may apply to your project. Please be aware of any applicable Building code (Construction Services Division), Fire code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

owner of property located partly or entirely within 350 ft. of the area to be rezoned. Failure to give mailed notice as required by this section or any defect in the notice given shall not invalidate any action of the planning commission or council, provided that a bona fide attempt to comply with this section has been made.

(c) **Sign notice** means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonably possible to each street frontage on the applicant's property with the text between 3 and 5 ft. above grade level, with a title line reading "Zoning Notice" in letters at least 3 in. tall, and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing, and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

2. Content of Notice

Each required notice shall include the following information:

- (a) The name of the applicant;
- (b) The address of the property;
- (c) A narrative description of the project including the proposed land uses, size (in sq. ft.) and height (in ft. and stories) of any proposed buildings or building expansions;
- (d) The type of permit or approval being sought;
- (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address or other electronic site or method);
- (f) Contact information for the assigned city staff member;
- (g) The date, time and place of the public hearing.

3. Special Notice Provision for Appeals

In the case of an appeal to the planning commission or council pursuant to Section 50-37.1.O, mailed notice shall be provided to any interested parties that were notified of the original application and the right to receive notice of any appeal, and who have notified the city in writing that they would like to receive notice of the appeal.

I. Public Hearings

- 1. Public hearings before the planning commission and public hearings before the council on matters related to this Chapter shall be conducted pursuant to rules and practices established by each of those bodies and in compliance with state law.
- 2. Attendance shall be open to the public.
- 3. All hearing and decision timeframes shall comply with MSA 15.99.