Date Received:

LAND MANAGEMENT DIVISION

TYPE II LAND USE APPLICATION – Telecommunications Tower: Collocation - Small Wireless Facility

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

For Office Use Only. *FILE #* *TOTAL FEE:*

GENERAL SUBMITTAL INFORMATION

FCC 18-133 Information:

Is this application filed at the same time as a separate application(s) for Small Wireless Facilities at one or more sites? **Yes** ☐ **No** ☐

If yes, how many Small Wireless Facilities are proposed by other applications? _____

Does this application contain more than one requested Small Wireless Facility? **Yes** ☐ **No** ☐

If yes, how many Small Wireless Facilities are proposed by this application? _____

Will any proposed facilities be collocated on a: **New Structure/Pole** ☐ OR **Existing Structure** ☐

Required Fees:

☐ $500 Collocation Application (Up to 5 Facilities) ☐ $100 for Each Facility Beyond 5 = $_____

☐ $1,000 for New Pole/Structure Total Fee Provided with Application = $_____

Applicant (print name):_____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name):_____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

For Private Property - 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 will contact the authorized agent prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature: _____

SMALL WIRELESS FACILITY FORM - Complete for **each** facility proposed

This form is provided for Small Wireless Facility # _____ of _____

LOCATION:

- ☐ Public Right-of-Way ROW Managed by _____
- ☐ Private Property

Property Owner Signature: If multiple private properties under different ownership are part of this application, attach additional pages for signatures from each property owner.

SITE IDENTIFICATION:

_____
Assessor's Map and Taxlot Number

_____
Site address

OR

_____
Mile Post / Other Site Identifier if within Public Right-of-Way

Proposal: Describe the Small Wireless Facility(ies) proposed and the structure on which it is collocated:

_____

_____

_____

SITE PLAN(S) A site plan must be included depicting **each** proposed facility. 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 _____

FIRE DISTRICT: _____

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

_____

PRIVATE PROPERTY INFORMATION: If facility is proposed on private property:

List property acreage: _____

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

_____

_____

Does the proposal involve a leased area? If so, please describe its location, dimensions, and area.

_____

_____

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.): _____

_____

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? **Yes** ☐ **No** ☐

What other structures or development does the property contain?

_____

_____

FCC 18-133 REQUIREMENTS

OTHER REQUIRED PERMITS:

Please note that a building permit or facility/utility permit will be required for a Small Wireless Facility. Have required permit applications been submitted to Lane County? **Yes** ☐ **No** ☐

EQUIPMENT SPECIFICATIONS: Provide documentation describing/illustrating the following information:

1. Installation status (e.g., removing, updating, collocating)
2. Type of equipment involved and equipment mount type (description)
3. Type and location of structure involved (description)
4. Proposed equipment specifications (dimensions), including the volume of antennas and all other wireless equipment associated with the structure
5. Dimensions of structure[i] on which collocation is proposed (prior to and after collocation)
6. Height of adjacent structures
7. Existing FCC antenna structure registration number (if applicable)
8. Is the facility proposed on a tower within a public right of way? **Yes** ☐ **No** ☐
9. Has the tower or base structure been lawfully permitted by Lane County? **Yes** ☐ **No** ☐
10. If the answer to question 9 is yes, then provide the approved permit number:_____

SMALL WIRELESS FACILITIES DEFINITION: Provide a detailed narrative describing how the proposed collocation meets the definition of Small Wireless Facilities established with FCC 18-133, listed below.

1. The facilities:
   - ☐ Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d)[ii]; or
   - ☐ Are mounted on structures no more than 10 percent taller than other adjacent structures; or
   - ☐ Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

   Explain:_____
   _____
   _____

2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of ‘‘antenna’’ in § 1.1320(d)), is no more than three (3) cubic feet in volume.

   Explain:_____
   _____
   _____

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

   Explain:_____
   _____
   _____

4. The facilities do not require antenna structure registration.

   Explain:_____
   _____
   _____

5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x).

   Explain:_____
   _____
   _____

6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

   Explain:_____
   _____
   _____

LC 16.264 REQUIRED SUBMITTALS*

Remit required submittals as applicable to the Small Wireless Facility request:

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.

LC 16.264 APPROVAL CRITERIA*

Address the telecommunication facility criteria below as applicable to the Small Wireless Facility request:

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.

Note: If your project complies with LC 16.264(g) or (h), a Type II application is not required. For changeouts pursuant to (h), documentation must be provided OR, depending on the zoning of the site, a Type I application must be requested to demonstrate compliance with (h). For questions, contact the planner-on-duty at 541-682-3577.

(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.

(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 of decision 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)

***FCC 18-133/1996 Telecommunications Act Compliance**

Address LC 16.264 requirements as applicable to the Small Wireless Facility request. If the applicant believes any submittal requirement or provision of LC 16.264 to conflict with the 1996 Telecommunications Act or FCC 18-133, please describe here. Attach additional pages if necessary**.**

[i] *Structure* means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

[ii] § 1.1320(d) *Definitions.* Antenna means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. For most services, an antenna will be mounted on or in, and is distinct from, a supporting structure such as a tower, structure or building. However, in the case of AM broadcast stations, the entire tower or group of towers constitutes the antenna for that station. For purposes of this section, the term antenna does not include unintentional radiators, mobile stations, or devices authorized under part 15 of this title.

FCC 18-133 § 1.6002(b) Antenna, consistent with § 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this chapter.