

LAND MANAGEMENT DIVISION



LAND USE APPLICATION  
Cell Tower

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only. FILE #

CODE: DATOWER

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 Director Approval of a Telecommunications Tower, pursuant to Lane Code 16.264.

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

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**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

**GENERAL ACCESS REQUIREMENTS**

All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the property must pass a two part test. First, the property must have legal access. Second, that access must be reasonably safe and useable.

**First:** A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

- \_\_\_ (A) Was created in an approved and recorded land division; or
- \_\_\_ (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or
- \_\_\_ (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or
- \_\_\_ (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or
- \_\_\_ (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

**Second:** A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

- \_\_\_ (A) a County-maintained road or State-maintained road; or
- \_\_\_ (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

**EXISTING IMPROVEMENTS**

Does the property contain any roads, structures, etc.?

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**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

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## 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 telecommuni-cation 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 14.100(4) and 14.300(3)(d), 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 1/2 mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d), 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 LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for 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? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**(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.**

Table 1 contains the setbacks for the most common zones. Table contains the road setbacks for each road class. The road setback is measured from the center line of the right of way (ROW).

**Table 1:  
BASE ZONE SETBACKS, CHAPTER 16**

ZONE	ROW	PROPERTY LINES	RIPARIAN
EFU	20	10	100
RR	20	10	50
RC	20	10	50
RI	20	10	50

**Table 2:  
ROAD SETBACKS, CHAPTER 15**

ROAD CLASS		RIGHT OF WAY WIDTH
arterial or collector	rural	80'
local	rural	50'
LAR or public road	rural	50'

Total Setback from Right of Way = ( ½ the ROW) + (extra setback) + (base zone)
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How will the tower comply with the setback and separation standards? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(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 14.700(4), 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 14.050. 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.