

Purpose

- the purpose of this code section is to provide for the installation, modification, operation and maintenance of wireless telecommunication facilities on public and private property consistent with State and Federal law while ensuring public safety, minimizing the visual effects of telecommunication facilities on public streetscapes, protecting public views, and otherwise avoiding and mitigating the visual impacts of telecommunication facilities on the community.
- telecommunication facilities shall utilize the least obtrusive available technology to reduce or minimize the number of telecommunication facilities in the municipality and minimize their visual impact on the community.
- the provisions of this code section are not intended and shall not be interpreted to prohibit or to have the effect of prohibiting telecommunication services. This section shall be applied to providers, operators, and maintainers of telecommunication services regardless of whether authorized by or subject to State or Federal regulations. This chapter shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent telecommunication services.

Exempt telecommunication facilities

- The following types of telecommunication facilities are exempt from the provisions of this section:
 - Amateur radio antennas and receiving satellite dish antennas, and citizen band radio antennas. *[May wish to keep current code provisions that limit amateur radio antennas to the maximum height of principle structures in the zone.]*
 - Dish and other antennas subject to the FCC Over-the-Air Reception Devices that are designed and used to receive video programming signals from (a) direct broadcast satellite services, or (b) television broadcast stations, or (c) for wireless cable service.
 - During an emergency the Administrator or designee shall have the authority to approve the placement of a telecommunication facility in any district on a temporary basis not exceeding ninety (90) calendar days from the date of authorization. Such authorization may be extended by CBS on a showing of good cause.
 - *[May wish to exempt cable/fiber optic/cell boosters that are co-located on Electric utility lines/poles]*

Definition - “Telecommunication”

- means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
- means transmission of information, including voice, data and video, between or among points using various media like wire, cable, fiber optics, radio or other similar facilities.

Definition - “Telecommunication tower”

- means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, microwave towers, common-carriers towers, wireless communication towers, and alternative tower structures and the like. The term includes the structure and support thereto.
- means a structure that is built for the sole or primary purpose of supporting equipment for the transmission and/or reception of radio frequency signals, other wireless communications, or meteorological purposes, and usually consisting of an antenna or antenna array, transmission cables, equipment cabinets, and their associated facilities.

Definition - “Telecommunication facilities”

- means any cable, wire, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications a person seeks to locate or have installed upon or near a tower or antenna support structure.
- means any tower, structure, or other equipment intended for a primary use of providing commercial or public wireless, radio, microwave, or other communication services and functionality.
- means a facility that contains equipment which transmits and/or receives radio frequency communications. It typically includes some combination of antennas, microwave dishes, and other types of equipment for the transmission and/or receipt of such signals.

Definition - “Utility facility”

- Current definition: “Public facilities and utilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended, and private utilities serving the public.

Create new definition*:

- means a use, either public or private, which is above or below ground level and which is used to treat, condition, or convey water, sewer, electricity, fuels and communication services. The term includes pipes, cables, utility corridors, sub-stations, transformers, switching devices, lift stations, ~~antennas and towers~~ [Note – *we may wish to exclude antennas & towers from the definition to ensure it is considered under that code section and conditional use permitting process*]. This term does not include minor accessories to the existing system or utility connections necessary for an individual lot.

**[Since we are making a new definition and process for telecommunications towers/facilities, that will be the controlling definition rather than “utility facility”. However, we wish to take this opportunity to remove a Washington state reference from our code].*

Zones: Permitted, Conditional, Prohibited

Community		Notes
Ketchikan Gateway Borough	Conditional: Most zones Prohibited: 1 residential zone, Creek Street Historic District, overlay zones [?]	
Fairbanks North Star Borough	Minor comms tower (80' max or 30' above roof if mounted atop a building)	<ul style="list-style-type: none"> Permitted for commercial & industrial zones Conditional for residential, open space, rural zones etc. Limited to one per lot, additional requires CUP
	Major comms tower (not minor)	<ul style="list-style-type: none"> Permitted for commercial & industrial zones Prohibited in residential, some rural/open space zones Limited to one per lot, additional requires CUP >200' requires CUP
Kodiak Island Borough	<ul style="list-style-type: none"> Conditional zones: open space, rural, commercial/business, industrial, public Prohibited all other zones 	
City & Borough of Juneau	35' or less	Allowed all zones subject to admin review/conditions
	35'-50'	<ul style="list-style-type: none"> Allowed in rural, some commercial & mixed use, waterfront, and industrial zones subject to admin review/conditions Conditional in all other zones (primarily residential)
	Greater than 50'	<ul style="list-style-type: none"> Allowed in industrial zone subject to admin review/conditions Prohibited in two mixed use zones Conditional all other zones

Development Standards - Height

Community	Provision
Ketchikan Gateway Borough	Residential Zones: 60' max Non-Res Zones: 200' max
Fairbanks North Star Borough	Minor comms tower: 80' max or 30' above roof if mounted atop a building
	Subject to height limitation of no higher than technically needed for intended purpose
	Major comms tower: 200' (>200' requires CUP) Subject to limitation of no higher than technically needed for intended purpose
Kodiak Island Borough	No higher than technically required for intended purpose
City & Borough of Juneau	No higher than technically required for intended purpose
	CBJ regulations are highly robust & specific – heights are specified for different uses/tower types and zones

Development Standards - Setbacks

Community	Provision	Notes
Ketchikan Gateway Borough	Distance equal to or greater than height of tower	
Fairbanks North Star Borough	50% of tower height (if conditional use)	Can be modified w/screening and no safety hazards present
Kodiak Island Borough	50% of tower height	Can be modified w/screening and no safety hazards present
City & Borough of Juneau	With breakpoint design: 110% of difference from top of tower to breakpoint	But not less than standard setback
	Without breakpoint design: equal to height of tower	
	CBJ regulations are highly robust & specific – there are specified “buffer zones” to certain residential areas/zones for towers depending on the height of tower and whether it is concealed	

Create Conditional Use – Application requirements

- Create a wireless communication facility application that shall include the following requirements:
 - Design Drawings and Specifications. A permit shall be conditioned to require the applicant to submit design drawings and specifications that is stamped by a registered professional in the state of Alaska certifying compliance with the building code of the authority having jurisdiction. To include description of the design characteristics and material.
 - A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscaping, and existing land uses on adjacent property.
 - A current map showing locations of all the applicant's antennas, facilities, existing towers [*owned or co-located on*], and proposed towers within the borough.
 - A propagation study for the proposed WCF.
 - Evidence that a valid FCC license for the proposed activity has been issued, if required.
 - An FAA determination as to whether the tower poses an aviation hazard, including the safety lighting and marking required by FAA, if any, and whether preferences or requests for deviations from such marking and lighting systems were submitted.

Application requirements continued....

- A written agreement to remove the tower and/or antenna within 180 days after the tower or antenna is substantially unused for a period of 12 consecutive months.
- A visual impact analysis that quantifies the amount of visual impact on properties located within 1,000 feet of any proposed tower under 65 feet or within 2,500 feet of any proposed tower over 65 feet. Such analysis should include, to the extent practicable, the visual impact from at least two of the four compass directions, and show the relationship of the tower and its facilities against the massing of surrounding structures, trees, and other intervening visual masses. This analysis will include recommendations to mitigate adverse visual impacts on other properties.
- An alternative site analysis including the availability of suitable existing towers and other alternative structures or locations for the proposed tower considered by the applicant; and
- Additional information which may be required by the planning and community development department for determination that all applicable laws are met.

Approval process and criteria

- Location and Visual Impact. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by the applicable communications regulations and applicant's technical design requirements. Conditions may be imposed, including camouflage, screening, vegetative buffers and/or site requirements, to ensure this criteria is met.
- Inability to Locate on an Existing Structure. A permit should not be issued unless a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical requirements without unreasonable modifications on any existing structure or communications tower.
- Necessity for Location in a Residential Neighborhood. A permit should not be issued in a residential neighborhood unless the area cannot be adequately served by a facility placed in a nonresidential area for valid technical reasons. Conditions may be imposed to lessen the impact of a communications tower on a residential neighborhood, including limitations on times for maintenance work to be performed, number of vehicles present, yard maintenance, and similar requirements.

Approval process and criteria continued...

- Design for Future Use. A new tower must be designed to accommodate additional antennas equal in number to the applicant's present and reasonably foreseeable future requirements. *[CBJ has required number of co-locations based on tower height]*
- Collocation. A permit shall be conditioned to require the applicant to make the tower available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.
- Illumination. A communications tower may not be illuminated unless otherwise required by state or federal law or regulations or unless evidence has been presented that lighting is necessary to ensure the safety of the public. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

Approval process and criteria continued...

- Distance from Existing Tower. A permit for a proposed tower within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained.
- Yard Area Requirements. *[TBD]*
- Height. The applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network. *[Additional height restrictions TBD]*
- Zoning District Standards. Nothing in this section alters the requirements for visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, or other general zoning district regulations, except yard and height requirements, of any specific zone. Yard and height requirements in this section shall apply.
- Compliance with Other Laws. A proposed tower must comply with all local, state, and federal laws.