

# PLANNING ADVISORY BOARD ZONING COMMISSION

**OCTOBER 23, 2012**

**Case Number**

CUP2012-2

**Applicant**

Bresnan Communications, LLC

**Owner**

City of Great Falls. Lot 3E Med Tech Park. Bresnan Communications, LLC has option to purchase subject to receiving CUP

**Property Location**

2100 21st Ave S

**Parcel ID Number**

1079544

**Requested Action**

**Conditional Use Permit**  
Request for an Unconcealed Telecommunications Facility to be permitted on the Property

**Neighborhood Council**

Neighborhood Council #5

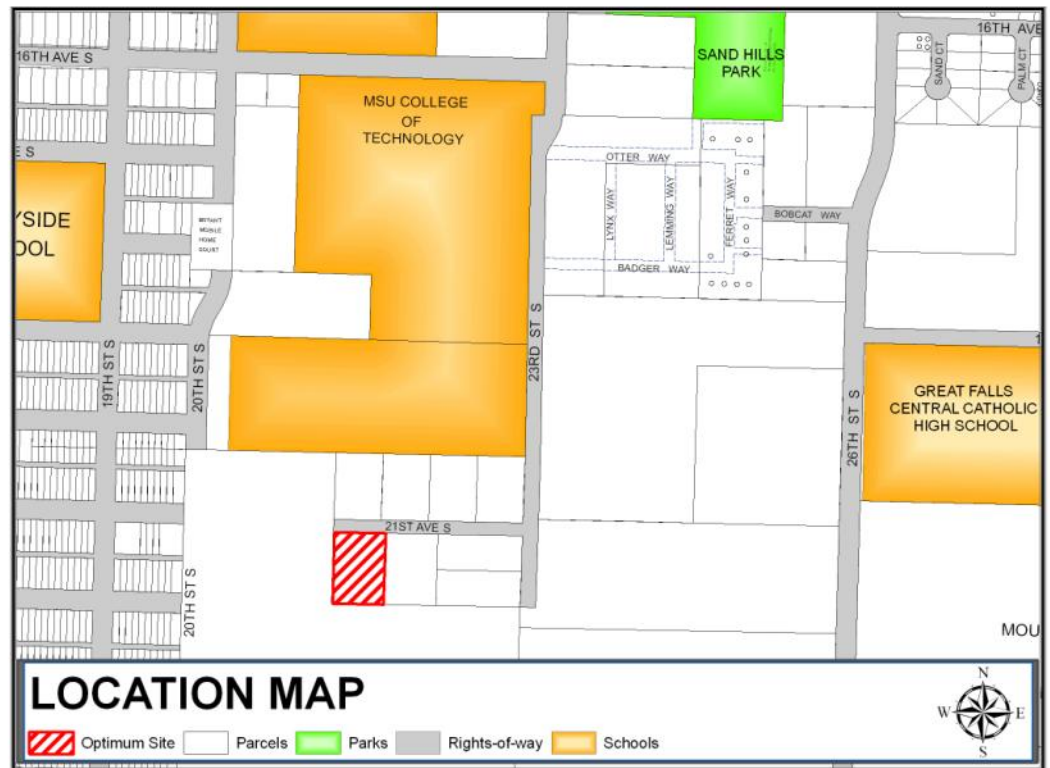
**Recommendation**

Approval of the request with Conditions

**Project Planner**

Jana Cooper, RLA

## OPTIMUM: CONDITIONAL USE PERMIT FOR AN UNCONCEALED TELECOMMUNICATIONS FACILITY AT 2100 21ST AVENUE SOUTH



### Project Description

The subject property is Lot 3E, Med Tech Park generally located south of 21st Avenue South and west of 23rd Street South. The applicant is requesting a Conditional Use Permit to allow an Unconcealed Telecommunications Facility on a portion of the property in order to relocate and consolidate Optimum’s business operations in Great Falls.

Technically, the applicant is Bresnan Communications, LLC, although the project will be an Optimum facility (a subsidiary of Cablevision Systems Corporation).

### Background

Legal Description:

- Lot 3E, Medical Tech Park, Section 18, T20N, R4E, P.M.M., Cascade County, MT.

Area: ±1.3 acres

### Agency Comment

Representatives from the City’s Public Works, Fire Department and Parks and Rec. have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or in the conditions of this report.

Existing Conditions

The existing site information for the said property includes:

**Existing Use:** The subject property is vacant undeveloped land which is currently unutilized.

**Existing Zoning:** M-1 Mixed-use district. This district is intended to allow a balanced and harmonious mixture of commercial, residential, and institutional uses and public spaces. An Unconcealed Telecommunications Facility is permitted, but only with Conditional Use approval in the M-1 Zoning District.

**Adjacent Land Use:** The property is located in a developing area. There is unincorporated vacant land to the south and west of the subject property. North of the subject property is vacant, undeveloped land located in City limits, which is owned by the City. East of the subject property is the existing Homeland Security Office. See Exhibit A - Vicinity/ Zoning Map, and Exhibit B - Aerial Photo, for more information on the surrounding properties.



View southeast toward subject property from 21st Avenue South .



View south of the subject property from 21st Avenue South .



View southwest from 21st Avenue South.

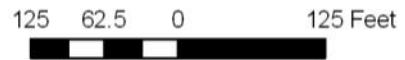


View north of subject property and existing windmill north of the subject property.

# EXHIBIT A - VICINITY / ZONING MAP



- |                             |                                |                                  |
|-----------------------------|--------------------------------|----------------------------------|
| Optimum Site                | C-5 Central business periphery | R-1 Single-family suburban       |
| City Limits                 | I-1 Light industrial           | R-2 Single-family medium density |
| Tracts of Land              | I-2 Heavy industrial           | R-3 Single-family high density   |
| AI Airport Industrial       | M-1 Mixed-use district         | R-5 Multi-family medium density  |
| C-1 Neighborhood commercial | M-2 Mixed-use transitional     | R-6 Multi-family high density    |
| C-2 General commercial      | PLI Public lands institutional | R-9 Mixed residential            |
| C-3 Highway commercial      | POS Park Open Space            | R-10 Mobile home park            |
| C-4 Central business core   | PUD Planned unit development   | Unincorporated Enclave           |



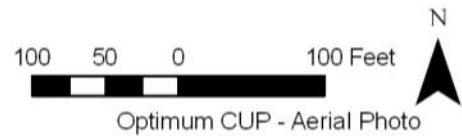
Optimum CUP - Zoning Map



# EXHIBIT B - AERIAL PHOTO



-  Optimum Site
-  City Limits
-  Tracts of Land



## Conditional Use Permit

### **Project Description**

The applicant is requesting a Conditional Use Permit to allow an Unconcealed Telecommunications Facility (UTF) on a portion of the subject property. The applicant is proposing to develop and construct a single story commercial building which will provide offices, telecommunications rooms and warehouse space to support their operations and services for the community of Great Falls and surrounding area. Bresnan Communications, LLC (Optimum) is a subsidiary of Cablevision Systems Corporation based in Beth Page, New York.

The proposed building for Optimum will consist of a customer service center, private office space, telecommunications rooms and a warehouse. On average the number of employees in the building will be 24 with a maximum of 47 at certain times of the week.

The proposed building is 12,961 sq. ft. and the overall site area is approximately 57,000 sq. ft. The site plan shows 61 total on-site parking spaces with 24 spaces for visitor parking, including 3 handicap parking spaces. The remaining parking is controlled access for employees and services vehicles only. The parking lot will be illuminated during the evening by 6 pole lights evenly disturbed along the east and west property lines. A garbage dumpster and enclosure will be located to the northwest portion of the site near the western entry into the site for easy and safe access.

The building exterior walls will be constructed with brick masonry wainscot and exterior insulated wall finishes. The site will be landscaped throughout with planning beds, trees and shrubs per City of Great Falls landscaping requirements. A 6-foot high black vinyl security fence is proposed around the perimeter of the southern half of the site with sliding gates located on the east and west side of the building at the parking drive. The proposed fencing is similar to the existing fence of the adjacent Homeland Security building located east of the site.

A 50-foot high communications tower will be located the southwest corner of the building. Four satellite dishes will be located adjacent to the communication tower south of the building. A 15-foot continuous evergreen landscape buffer shall be provided along the southern property boundary to screen the telecommunications facilities.

An emergency diesel generator will be located at the southwest corner adjacent to the communications tower.

### **Zoning Analysis**

An Unconcealed Telecommunications Facility (UTF) is conditionally allowed in the M-1 zoning district. In addition, there are special standards that accompany this land use which are attached as Exhibit G (17.20.6.250).

The proposed UTF meets most of the requirements of the Special Standards provided in the Official Code of the City of Great Falls (OCCGF). The proposed telecommunications tower is proposed to be 50 feet high. The height limit for a telecommunications tower in a mixed-use zoning district is 45 feet according to Exhibit 20-7 Maximum tower/antennae height (OCCGF).

As part of the approval process, City Commission has the authority to modify such regulations through the Conditional Use Permit process. Staff recommends allowing the owner to construct a 50-foot high telecommunications tower on the subject property. The proposed tower is located in a generally undeveloped area. The impact of an additional 5 feet on the height of tower will have minimal impact on surrounding properties. In addition, there is a 120-foot tall wind turbine located within  $\pm 500$  feet the subject property.

### **Traffic Analysis**

The subject property is located in a developing area. The adjacent roadways have sufficient capacity to accommodate the increased traffic from the proposed development.

### **Streets & Utilities**

The subject property abuts 21st Avenue South which is improved to a City standard. The applicant will not be required to improve any streets as a part of this application.

There is a 12-inch water main and 8-inch sanitary sewer main located in 21st Avenue South with existing taps that have been stubbed to the property line for the developers use. There are no reimbursements owed for these utilities; monies owed for the utility installation are included in the purchase price of the lot.

### **Stormwater Management**

The applicant will be required to provide a storm drain plan/report for the site. There is a 15-inch storm sewer main located in 21st Avenue South, but there is no stub to this main onto the property.

The applicant shall be in compliance with the City of Great Falls Storm Design Manual and City Standards related to stormwater management for the site.

### **2005 City of Great Falls Growth Policy**

The project is consistent with the Growth Policy goals and objectives that foster economic development, enhanced communication and telecommunications and appropriate community facilities.

Specifically the project is consistent with:

Goals 1- 5, Economic Development: Diversify the base economy, enhance, strengthen, and expand the existing economic base, support expansion of existing businesses that tend to raise the median income level, attract businesses that preserve the quality of life, and encourage businesses and industries that will utilize existing infrastructure.

Policy 2, Community facilities: Facilities should make the most efficient use of land, should be designed and managed to provide for the convenience, health, safety and accessibility of intended users and should represent positive examples of design, energy use, and concern for the public and the environment.

Approval of the Conditional Use Permit on the subject property will enhance health, safety and welfare through application of City Codes and the required conditions of approval.

### **Neighborhood Council Input**

The subject property is located in Neighborhood Council #5. The Patty Cadwell, Neighborhood Council Coordinator provided information to Council #5 on October 15, 2012. There were general questions about the project, but no comments, the Council did not make a recommendation for or against the project.

### Conditional Use Permit Findings

#### **Primary Review Criteria**

The procedure for processing a Conditional Use Permit is to conduct a public hearing before the Zoning Commission, which makes a recommendation to the City Commission. A second public hearing and a final decision regarding the Conditional Use Permit application are the purview of the City Commission. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of

the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements. The City Land Development Code lists seven criteria to be applied to a request for a conditional use for evaluation purposes, including:

**The conditional use is consistent with City's Growth Policy and applicable neighborhood plans, if any.**

The project is consistent with the City's Growth Policy as stated in this report. In addition, the City's Growth Policy notes there is no overall strategic plan for upgrading telecommunications technologies and access. No neighborhood plans have been adopted for this area that addresses telecommunication uses.

**That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.**

The proposed facility is located on a private lot that will be owned and maintained by Optimum. The facility will be on a portion of the site that is not occupied by the public and will not generate significant off-site nuisances.

**The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The proposed communications facility will be a passive use, which will not be injurious to the use and enjoyment of property in the immediate vicinity. The proposed facility meets the required setbacks of the OCCGF and the Staff is recommending installation of a 15-foot evergreen landscape buffer on the southern portion of the site in order to minimize its visual impact from surrounding properties and roads.

**The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The proposed facility is a passive use which will not impede the normal and ordinary development and improvement of the surrounding property. The properties to the north are undeveloped land located in the City and zoned M-1. The proposed tower is located on



the southern portion of the site and will have minimal impact to the development of these properties. The property to the east is the existing Homeland Security Building. The owners have been notified of the proposed tower and the City has not received any comment from this property owner. The property located to the south and west is unincorporated vacant property. Again, the owner has been notified of the proposed development and the City has not received any comments from this owner. The proposed location of the facility meets the setback requirements for telecommunications towers per the OCCGF.

**Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

Adequate services and infrastructure exists to operate the proposed telecommunications facility.

**Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The proposed telecommunications facility will be located within a larger development which consolidates Optimums operations in Great Falls. The adjacent roadways have sufficient capacity to accommodate the increased traffic from the proposed development. Two ingress/egress roads have been designated to access the site. It is not anticipated that the proposed development will increase traffic congestion in the public street.

**The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.**

The proposed facility will conform to the applicable regulations of the M-1 zoning district and most of the Special Standards set forth in the OCCGF. The proposed telecommunications tower is proposed to be 50 feet high. The height limits for telecommunications towers in mixed-use zoning districts is limited to 45 feet. City Commission, as part of the approval process, has the right to modify regulations through the Conditional Use Permit process. In this case, Staff supports allowing the owner to construct a 50-foot telecommunications tower on the subject property. The proposed tower is located in a generally undeveloped area; an additional five feet of tower will be of minimal impact to surrounding property owners. In addition, there is an existing 120-foot tall wind turbine located within  $\pm 500$  feet the subject property; therefore the tower has a similar character to the neighboring properties.

Staff Recommendation

Approval of the Conditional Use Permit will result in an Unconcealed Telecommunications Facility being legally permitted on the subject property. The Facility should not create significant impact on the neighborhood. The proposed UTF is consistent with the review criteria for Conditional Use Permits. Therefore, it is recommended that the Zoning Commission recommend to the City Commission that a Conditional Use Permit be **granted** to allow an Unconcealed Telecommunications Facility be established on a portion of the property addressed as 2100 21st Avenue South.

**Recommendation:** It is recommended that the Zoning Commission recommend the City Commission approve the Conditional Use Permit for an Unconcealed Telecommunications Facility at a maximum height of 50 feet to be established at the property legally described as Lot 3E, Medical Tech Park, Section 18, T20N, R4E, P.M.M., Cascade County, Montana, subject to the Conditions of Approval being fulfilled by the applicant and based on the findings of fact.

Conditions of Approval

1. **Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
2. **Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 09/28/2012.

3. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-1 Mixed-use district designation.
4. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Subsequent modifications and additions.** If after establishment of a conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. **Landscape Screening.** Applicant shall provide a 15-foot continuous evergreen landscape buffer including trees and shrubs along the southern portion of the property.

### Findings of Fact

1. The conditional use is consistent with City's Growth Policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

### Review/Approval Process

#### **Next Steps**

1. The Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Conditional Use Permit.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood & Youth Council Coordinator  
Chris Fulton, Bresnan Communications, 1860 Monad Road, Billings, MT 59102



# EXHIBIT C - APPLICATION

CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
406.455.8415 • WWW.GREATFALLSMT.NET

## DEVELOPMENT APPLICATION

Optimum Office/Telecommunications Facility

Name of Project / Development:

Bresnan Communications LLC

Owner Name:

1860 Monad Road, Billings, MT 59102

Mailing Address:

406-238-7710

cfulton@cablevision.com

Phone:

Email:

Chris Fulton

Representative Name:

1860 Monad Road, Billings, MT 59102

Mailing Address:

406-238-7710

cfulton@cablevision.com

Phone:

Email:

### PROPERTY DESCRIPTION / LOCATION:

03E

Medical Tech Park Addition

S 18 T 20 N

R / 4 E

Mark/Lot:

Section:

Township/Block:

Range/Addition:

2100 21st Avenue South

Street Address:

### ZONING:

M-1

M-1

### LAND USE:

Vacant

Office / Telecommunications Facility

Current:

Proposed:

Current:

Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.

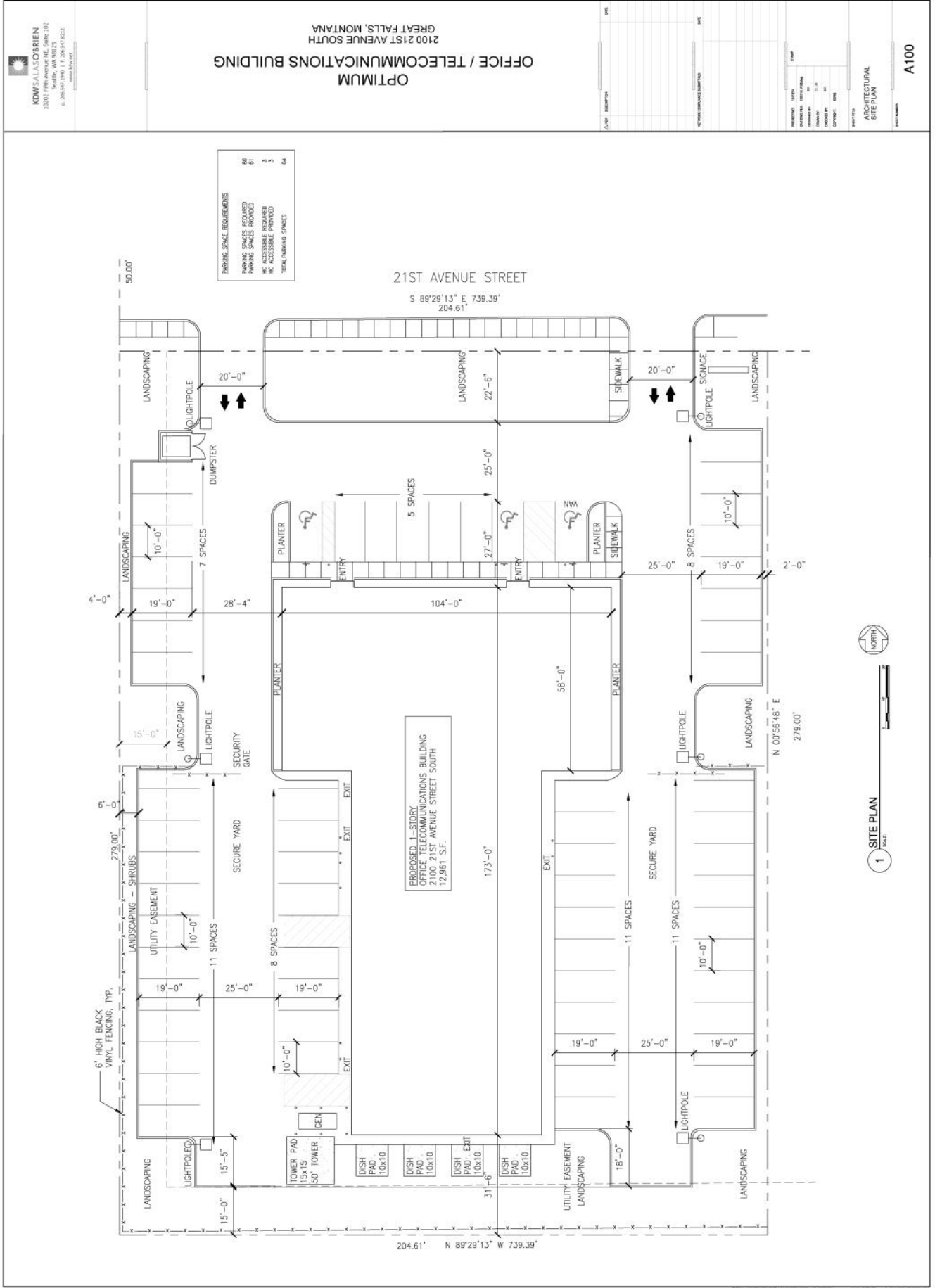
I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

  
Property Owner's Signature:

10/1/12  
Date:

  
Representative's Signature:

10/1/12  
Date:



# EXHIBIT E - PROPOSED ELEVATIONS

### KEY NOTES

1. BRICK VENEER
2. COMPOSITION SHINGLE ROOF - SLOPE 5:12
3. ALUMINUM GUTTERS AND DOWNSPOUTS
4. EXTERIOR INSULATED FINISH SYSTEM
5. PRECAST CONCRETE SILLS
6. ALUMINUM FRAMED WINDOWS W/INSULATED GLAZING
7. HOLLOW METAL DOORS W/INSULATED GLAZING
8. ALUMINUM OVERHEAD ROLLING DOOR 10' W X 10' H
9. 50' HIGH COMMUNICATION TOWER
10. LANDSCAPE PLANTER

## OPTIMUM OFFICE / TELECOMMUNICATIONS BUILDING

2100 21ST AVENUE SOUTH  
GREAT FALLS, MONTANA

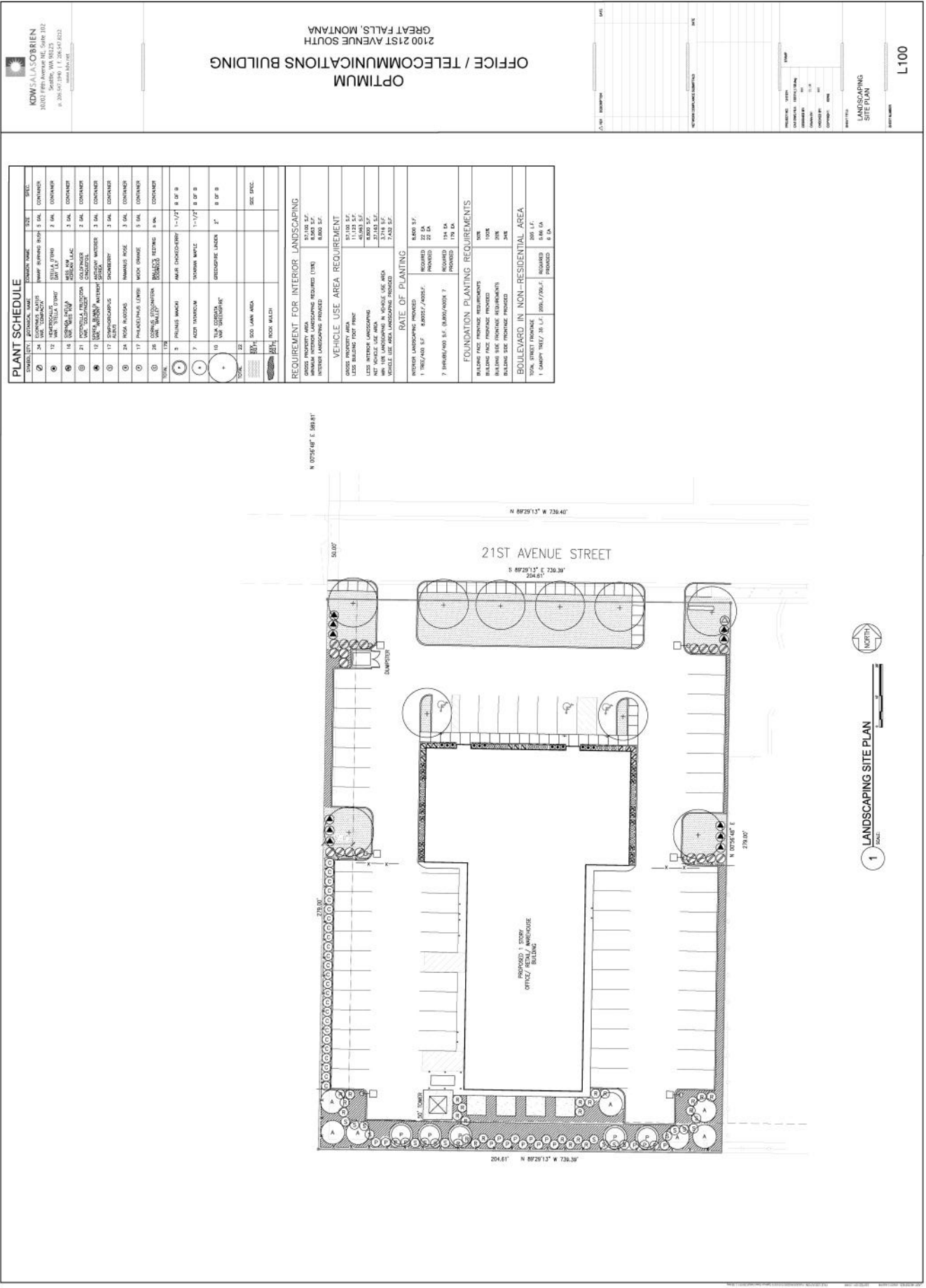
DATE	DESCRIPTION	SCALE

REVISION	DATE	BY

PROJECT: OPTIMUM OWNER: OPTIMUM COMMUNICATIONS ARCHITECT: KOWSALA-CORBRIEN CONTRACT NO. 21-101	DATE PLOTTED: 11/12/2021 DRAWN BY: J.M. CHECKED BY: J.M. SCALE: AS SHOWN
ARCHITECTURAL ELEVATIONS	
SHEET NUMBER: A201	



# EXHIBIT F - PROPOSED LANDSCAPE PLAN



**PLANT SCHEDULE**

SYMBOL	SYMBOL NAME	COMMON NAME	SIZE	SPEC.
①	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
②	12	WAX JUNGLE	SHARP BURNING BUSH 2 GAL	COMMON
③	14	SPRING FLOW	WAX JUNGLE 2 GAL	COMMON
④	21	WAX JUNGLE	SHARP BURNING BUSH 2 GAL	COMMON
⑤	17	SPRING FLOW	WAX JUNGLE 3 GAL	COMMON
⑥	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑦	17	SPRING FLOW	WAX JUNGLE 3 GAL	COMMON
⑧	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑨	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑩	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑪	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑫	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑬	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑭	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑮	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑯	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑰	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑱	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑲	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
⑳	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉑	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉒	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉓	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉔	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉕	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉖	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉗	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉘	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉙	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉚	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉛	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉜	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉝	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉞	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㉟	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊱	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊲	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊳	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊴	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊵	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊶	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊷	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊸	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊹	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊺	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊻	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊼	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊽	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊾	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON
㊿	24	WAX JUNGLE	SHARP BURNING BUSH 5 GAL	COMMON

**REQUIREMENT FOR INTERIOR LANDSCAPING**

MINIMUM INTERIOR LANDSCAPING REQUIRED (15%)	8,500 S.F.
INTERIOR LANDSCAPING PROVIDED	8,500 S.F.

**VEHICLE USE AREA REQUIREMENT**

GRADE INVENTORY AREA	97,100 S.F.
LESS BUILDING FOOT PRINT	11,125 S.F.
LESS INTERIOR LANDSCAPING	8,500 S.F.
NET VEHICLE USE AREA	77,475 S.F.
VEHICLE USE AREA LANDSCAPING PROVIDED	7,420 S.F.

**RATE OF PLANTING**

INTERIOR LANDSCAPING PROVIDED	8,500 S.F.
1 TREE/400 S.F.	22 SA
8,500 S.F. / 400 S.F. (21.25/TREE)	179 SA
7 TREES/400 S.F. (17.5/TREE)	151 SA

**FOUNDATION PLANTING REQUIREMENTS**

BUILDING FACE PERIMETER REQUIREMENTS	500
BUILDING FACE PERIMETER PROVIDED	100%
BUILDING FACE PERIMETER WITH INTERIOR PLANTING	300
BUILDING FACE PERIMETER PROVIDED	100%

**BOULEVARD IN NON-RESIDENTIAL AREA**

TOTAL STREET FRONTAGE	206 L.F.
1 CROWN TREE/25 L.F. (8.24/TREE)	25 SA
PROVIDED	8 SA

**OPTIMUM**  
OFFICE / TELECOMMUNICATIONS BUILDING  
2100 21ST AVENUE SOUTH  
GREAT FALLS, MONTANA

**KOWSA LACORBRIEN**  
2025 Fern Avenue NE, Suite 102  
Spokane, WA 99223  
P: 509-325-4444  
WWW.KOWSA.COM

DATE: 10/15/2024  
PROJECT NUMBER: L100

## EXHIBIT G - TELECOMMUNICATIONS FACILITY STANDARDS

### 17.20.6.250 - Telecommunications facility.

- A. **Purpose.** The provisions of this section are established to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities, and are intended to accomplish the following purposes, to the full extent permitted by law:
1. Protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation.
  2. Insure against the creation of visual blight within or along the City's scenic corridors and ridgelines.
  3. Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives.
  4. Protect City residents from the possible adverse health effects associated with exposure to high levels of non-ionizing electromagnetic radiation (NIER).
  5. Protect environmental resources.
  6. Insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided.
  7. Create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network.
- B. **Applicability.** The provisions of this section apply to all telecommunication facilities, except City government owned or public service use/facility owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, public education and transportation with heights not exceeding thirty-five (35) feet. Additionally, the provisions of this section do not apply to single satellite dishes smaller than ten (10) inches in diameter. (Ord. 2950, 2007)
- C. **City licensing.** Telecommunications carriers and providers engaged in the business of transmitting, supplying, or furnishing of telecommunications originating or terminating in the City shall register with the City pursuant to Title 5, OCCGF. (Ord. 2950, 2007)
- D. **Other permitting and licensing.** Prior to issuance of a building permit, the applicant shall obtain other applicable permits/approvals from other governmental agencies which may have jurisdiction over the project.
- E. **FCC compliance.** Commercial telecommunication facilities and antennas shall comply at all times with FCC rules, regulations, and standards. In event of conflict between federal law and this chapter, federal law shall prevail.
- F. **Yard setbacks.** Facilities and antennas shall not be located in the required yard setback of the zoning district in which it is located.
- G. **Placement of satellite dish and parabolic antennas.** Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- H. **Historic districts.** Commercial telecommunication facilities and antennas shall not be located in a historic district, unless fully concealed and not otherwise visible.
- I. **Structural requirements.** No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, located at a distance of less than one hundred ten (110) percent of its height from an inhabited area or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging, if any.
1. Initial compliance. Initial demonstration of compliance with this chapter shall be provided via submission of a report to the City Building Official prepared by a structural engineer licensed by the State that describes the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.
  2. Continued compliance. Proof of ongoing compliance shall be provided via submission to the City Building Official at least every five (5) (self-supporting and guyed towers)/ten (10) (monopoles) years of an inspection report prepared by a structural engineer licensed by the State indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the building official may require repair or, if a serious safety problem exists, removal of the tower.
- J. **Basic tower and building design.** All telecommunication facilities shall be designed to blend into the surrounding environment. To this end, all the following measures shall be implemented:
1. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the City to be otherwise.
  2. Telecommunication towers taller than thirty-five (35) feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Director of Planning and Community Development that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
  3. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence shows that this

## EXHIBIT G - TELECOMMUNICATIONS FACILITY STANDARDS

is not feasible.

- 4 Telecommunication support facilities (e.g., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to the greatest extent possible.
  - 5 Telecommunication support facilities shall be no taller than fifteen (15) feet and shall be designed and constructed to look like a building or facility typically found in the area.
  - 6 Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.
  - 7 All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that will minimize their visibility to the greatest extent feasible. Improvements which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.
  - 8 The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective.
  - 9 The City shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
  - 10 Antennas and supporting electrical/mechanical equipment installed on the rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which they are attached.
  - 11 Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
  - 12 No sign shall be placed on a tower.
  - 13 When a telecommunication facility is located in a residential zoning district, no employee shall be based at the site. Routine maintenance and monitoring is permissible.
- K. **Required setback.** Telecommunication towers shall be set back at least twenty-five (25) percent of the tower height from all property lines. Guy wire anchors shall be set back at least twenty (20) feet from any property line.
- L. **Maximum height.** Towers shall not exceed the heights listed in Exhibit 20-7. Notwithstanding the preceding, no tower shall exceed the height limitations described in Chapter 54 of this Title.

### Exhibit 20-7. Maximum tower/antenna height

District	Maximum Height
Residential Zoning Districts	35 Feet
Commercial Zoning Districts	45 Feet
Mixed Use Zoning Districts	45 Feet
Industrial Zoning Districts	100 feet, 50 additional feet may be added to accommodate co-location if the applicant submits information certifying the capacity of the tower for 2 additional providers and letter of intent from the applicant indicating their intent to share space. A lighting rod, not to exceed 10 feet, shall not be included within the height limitations.

- M. **Visibility.** All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities:
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
  2. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Director of Planning and Community Development is submitted showing that this is the only technically feasible location for this facility;
  3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Interstate 15, a public trail, public park or other outdoor recreation area, or in property designated as a floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
  4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half (1/2) mile from another readily visible, un-camouflaged or unscreened, telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Director of Planning and Community Development is sub-



## EXHIBIT G - TELECOMMUNICATIONS FACILITY STANDARDS

- mitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites;
5. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Director of Planning and Community Development is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites; and
- N. **Lighting.** Lighting shall comply with the standards contained in Chapter 40 of this Title.
- O. **Vegetation protection and facility screening.** All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end, all of the following measures shall be implemented for all telecommunication facilities:
1. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to approval during the site plan review process.
  2. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
  3. All areas disturbed during project construction other than the access road and parking areas required under Chapter 36 of this Title shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Director of Planning and Community Development.
  4. Any existing trees or significant vegetation, on the site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the Director of Planning and Community Development.
- P. **Fire prevention.** All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one (1) that otherwise occurs. To this end, all of the following measures shall be implemented, when determined necessary by the Building Official:
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
  2. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
  3. Rapid entry systems shall be installed.
- Q. **Environmental resource protection.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities:
1. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
  2. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
  3. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
  4. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
- R. **Noise.** Telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails.
- S. **Use of backup generators.** Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If the facility is located within one hundred (100) feet of a residential dwelling, noise levels at the property boundary shall not exceed an Ldn (Day-Night Average Level) of fifty (50) dB (decibels).
- T. **Visual compatibility.** Facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
- U. **Visual analysis.** A visual analysis, which may include photo montage, field mock-up, or other techniques, shall be prepared by or on behalf of the applicant that identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant. The City may require the applicant to provide funding to the City to cover the cost of a second analysis if the analysis submitted by the applicant does not accurately or completely analyze the visual effects of the proposed project.
- V. **NIER (non-ionizing electromagnetic radiation) exposure.** No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that

## EXHIBIT G - TELECOMMUNICATIONS FACILITY STANDARDS

exceed the ANSI C95.1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, county, State, or the federal government.

1. Initial compliance. Initial compliance with this requirement shall be demonstrated for any facility within four hundred (400) feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty (80) percent of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Director of Planning and Community Development. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.
  2. Ongoing compliance. Every telecommunication facility within four hundred (400) feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five (5) years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Director of Planning and Community Development. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed eighty (80) percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Director of Planning and Community Development within five (5) years of facility approval and every five (5) years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective.
  3. Failure to submit required reports. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.
- W. Co-located and multiple-user facilities.** An analysis shall be prepared by or on behalf of the applicant, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
1. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when, in the determination of the Director of Planning and Community Development, this will minimize overall visual impact to the community.
  2. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City. Unresolved disputes may be mediated by the Board of Adjustment. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.
  3. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.
- X. Waiver.** The City Commission may grant a waiver to the requirements specified in this section when the waiver would not increase the visibility of the facility or decrease public safety. Tower setback requirements may be waived when:
1. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; or
  2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.