

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER SIXTEEN

TELECOMMUNICATION TOWER AND ANTENNA REGULATIONS

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Telecommunication Tower and Antenna Regulations except as referred to herein where it shall be known as “this Ordinance.”

SECTION 1. INTENT AND PURPOSE

These regulations are established to regulate telecommunication towers and antennas within Renville County so as to:

1. Regulate the location of telecommunication towers and telecommunication facilities in the County to ensure that they are compatible with surrounding land uses.
2. Minimize adverse visual impacts of telecommunication towers and telecommunications facilities through careful design, siting, and landscaping.
3. Promote and encourage shared use/co-location of telecommunication towers and antenna support structures to reduce the number of towers needed to serve the County.
4. Avoid potential damage to adjacent property caused by telecommunication towers and telecommunications facilities from tower failure through structural standards and setback requirements.
5. Accommodate the telecommunication needs of the residents and businesses of the County while protecting the public health, safety, and general welfare of the Renville County residents.

SECTION 2. GENERAL PROVISIONS

1. Telecommunication towers may be located in the following zoning districts:
 - A. Telecommunication towers with an overall tower height of less than 200 feet are a permitted use in the Agricultural (A) District and in the Commercial/Industrial (C/I) District.
 - B. Telecommunication towers with an overall tower height of 200 feet or greater are a conditional use in the Agricultural (A) District and in the Commercial/Industrial (C/I) District.

2. All telecommunication towers shall be in compliance with all applicable federal, state, and County regulatory standards including FCC and FAA regulations.
3. All telecommunication towers shall have a decommissioning plan outlining the anticipated means and cost of removing the tower (including foundation) and all other accessory facilities and structures at the end of their serviceable life or at facility abandonment. All telecommunication towers and their accessory facilities shall be decommissioned and all foundations removed to four feet below grade within 180 calendar days of abandonment.
4. Telecommunication towers that are not in use for 365 consecutive days (one year) shall be deemed abandoned and shall be removed by the owner within 180 days from the date of abandonment. Removal includes removal of the complete tower facility including accessory buildings and related above-ground infrastructures and restoration of the site to pre-existing vegetative cover. An extension to this timeframe may be granted by the zoning administrator upon receipt of a plan from the owner/operator of the facility outlining steps and a schedule for the tower's removal.
5. In the event of revocation of any required permit, the telecommunication tower and all accessory structures must be removed and the site restored to its original condition within 180 calendar days. Failure to do so may result in the County completing the removal and site restoration, and the County's cost shall be assessed against the property and collected as a portion of the real estate tax.
6. The owner/operator of a telecommunication tower shall be responsible for extraordinary maintenance and restoration of all County/township roads leading to the project site that may be damaged during construction or due to activities involving the telecommunication tower unless the owner/operator can prove that the construction was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the Road Authority and to the Road Authority's satisfaction.
7. All telecommunication towers shall be maintained in a safe and clean condition. The tower owner/operator shall be responsible for maintaining a graffiti, debris, and litter-free site.
8. Existing telecommunication towers may continue in use. Routine maintenance may be performed on them; but they may not be altered, converted, modified, transformed, varied, added to, or changed in any way without complying with the terms of this Ordinance.

SECTION 3. PERFORMANCE STANDARDS

1. On a vacant parcel of land zoned for agricultural purposes, the minimum lot size for construction of a telecommunication tower shall be five acres. On a vacant parcel of land zoned for commercial/industrial purposes, the minimum lot size is 10 acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use, and a smaller parcel of land may be leased provided all standards contained in the Ordinance can be met.
2. The telecommunication tower location shall provide the maximum amount of screening and landscaping to effectively blend the tower facility with the surrounding setting. Existing on-site vegetation shall be preserved or the planting of mature trees and shrubs to screen the facility to the maximum extent practicable.
3. Structural design, mounting, and installation of the antenna and telecommunication tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.
4. In general, monopole/lattice self-supporting towers (i.e. those without the use of wires, cables, beams, or other means) are preferred. The use of a guyed tower is permitted for new telecommunication tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements. Colored guide guard sleeves shall be placed on the anchors to make them visible, or each guide guard shall be surrounded by a six-foot high fence.
5. Associated base equipment must be located within a structure that shall meet all setbacks and regulations of the underlying zoning district. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood. No permanent platforms or structures other than those necessary for safety purposes or for tower maintenance are prohibited. The base of the telecommunication tower and any accessory structures shall be landscaped where practical.
6. The telecommunication tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
7. Metal towers shall be constructed of, or treated with, corrosive resistant material.
8. If space is available on a telecommunication tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the tower's existing users or no negative structural impact upon the tower. If a dispute arises, and as a condition to any permit,

Renville County, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

9. Generally, only one telecommunication tower is permitted on a parcel of land. If, in the opinion of the Planning Commission, a particular parcel is well suited for more than one telecommunication tower and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.
10. All telecommunication towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
11. Antenna and telecommunication tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.
12. All telecommunication towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower and/or antennas. A certificate of liability insurance in the amount of \$1,000,000 shall be filed with the Division of Environment and Community Development prior to commencing operation of the facility. This insurance shall be kept in effect until the tower is removed.
13. No antenna or telecommunication tower shall have light, reflectors, flashers, daytime strobes, steady nighttime red lights, or other illuminating devices affixed or attached to it unless required by the FAA or FCC. Security lighting may be allowed at the tower base.
14. No advertising or identification signs shall be placed on telecommunication towers or antennas.
15. No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to 24 hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of 30 calendar days. These limits can be extended by the zoning administrator.
16. No telecommunication tower shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunication devices including but not limited to radios, televisions,

telephones, personal communication devices, and other electronic equipment and devices.

SECTION 4. SETBACKS

1. No telecommunication tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located. This setback shall be reciprocated and shall apply to all new residential dwellings or structures. New residences built to replace an existing residence on the same site are exempted.
2. No telecommunication tower over 35 feet in height shall be located closer than one-quarter mile to the outside boundary of an existing or proposed County park or a boundary of a state park.
3. No telecommunication tower over 35 feet in height shall be erected within a distance equal to 1.1 times the height of the tower from a road right-of-way, property line, or existing structure other than the applicant's. Guy wire footings and associated structures must be set back according to the regulations of the underlying zoning district.
4. No telecommunication tower over 35 feet in height shall be erected within one-quarter mile of the Minnesota River or within one-quarter mile of a DNR protected lake or river.

SECTION 5. PERMIT APPLICATION

1. New Telecommunication Towers. In addition to the submittal requirements required elsewhere in this Ordinance, all proposed telecommunication towers and antennas must submit the following information:
 - A. A scaled site plan for the proposed telecommunication tower and the proposed tower facility site that shall include the following:
 - i. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs, and landscaped areas.
 - ii. Building setback lines.
 - iii. Existing topography, with contour intervals of not more than 10 feet, related to the United States Geological Survey datum.
 - iv. The location of water courses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site.

- v. Proposed surface drainage diagram for the site.
 - vi. Proposed screening.
 - vii. Proposed removal of natural vegetation.
- B. Evidence of fee title ownership in the form of a deed, easement, or other legal instrument of the property on which the telecommunication tower is to be located.
- C. 911 address of the site on which the telecommunication tower is to be located.
- D. Foundation and tower plans and specifications from a qualified and licensed professional engineer registered in the State of Minnesota including:
- i. Engineered drawings indicating the tower height and design including a cross-section and elevation and the lighting to be placed on the tower if such lighting is required by the FCC or FAA.
 - ii. Certification of the tower's compliance with structural and electrical standards.
 - iii. A report describing the tower's capacity including the potential number and type of antennas that it can accommodate.
 - iv. A report addressing the potential of destructive interference to co-located, previously established public safety communications if applicable.
- E. A map of the proposed site and surrounding area within 1,320 feet of the telecommunication tower indicating location and distance to any DNR protected lake or river; the Minnesota River; a designated scenic road; scenic and natural areas; significant historic sites; any boundary of a federal, state, or County park; and from any municipality or residential subdivision.
- F. A five-year facility plan. The County will maintain an inventory of all existing and proposed cell site installation, and all carriers shall provide the following information in each five-year plan. The plan must be updated with each submittal as necessary:

- i. Written description of type of consumer services each company/carrier will provide to its customers over the next five years (cellular, personal communication services, specialized mobile radio, paging private radio, or other anticipated communications technology).
 - ii. Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the County for these services by the company.
 - iii. Provide a presentation size map of the County that shows the five-year plan for cell sites or, if individual properties are not known, the geographic service area of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minnesota Statutes 13.37 shall be classified as non-public data.
 - G. A decommissioning plan including anticipated life of the project, when and how a facility is to be decommissioned, estimated cost of decommissioning, and a financial guarantee in the form of a bond, letter of credit, cash deposit, or other security to cover the cost of decommissioning.
 - H. A copy of all FCC or FAA notifications/permits if required.
2. New Antennas Mounted on Roofs, Walls, and Existing Towers. In addition to submittal information required elsewhere in this Ordinance, all new antennas to be mounted on roofs, walls, or existing towers shall submit the following permit information:
 - A. Submit a site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this Ordinance.
 - B. Submit a building plan showing the construction of the antennas, the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this Ordinance.
 - C. Submit proof of the structure or tower's ability to support antennas.
 - D. Submit documentation to ensure there will be no interference with existing tenants or public safety telecommunication providers.

SECTION 6. CO-LOCATION

1. All telecommunication towers erected, constructed, or located within the County shall comply with the following requirements. The application shall:
 - A. Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative describing a search ring of not less than one mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or co-locations.
 - B. Provide documentation that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
 - ii. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.
 - iii. No existing or approved towers or commercial/industrial buildings within one mile radius meet the radio frequency engineering requirements.
 - iv. Existing or approved towers and commercial/industrial buildings within one mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - v. Other unforeseen reasons that would not allow for co-locating the planned telecommunications equipment upon an existing or approved tower or building.
 - vi. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one mile radius was made, but an agreement regarding the lease or purchase of space could not be reached.

- C. The telecommunication tower shall be designed by a registered professional engineer for the co-location of additional antennas as follows:
 - i. Structures from 100 - 125 feet: a minimum of two tenants.
 - ii. Structures from 125 - 200 feet: a minimum of three tenants.
 - iii. Structures above 200 feet: a minimum of four tenants.

SECTION 7. ENFORCEMENT

Enforcement of the Telecommunication Tower and Antenna Regulations shall be done in accordance with process and procedures established in Chapter One, Section 13, of the Renville County Land Use Ordinance.

SECTION 8. INTERPRETATION, CONFLICT, AND SEPARABILITY

Administration of the Telecommunication Tower and Antenna Regulations with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One, Section 14, of the Renville County Land Use Ordinance.

SECTION 9. EFFECTIVE DATE

The regulations contained in this chapter shall become effective from and after their publication according to law.