

Isanti County Office of
Recorder/Registrar of Titles

Certified, Filed, and/or Recorded on:
June 10, 2014 8:10 AM

Karen D Anderson, Recorder

Well Cert. () Rec'd () Not Req'd

Received from: ISANTI COUNTY ADMINISTRATOR

Returned To: ISANTI COUNTY ADMINISTRATOR



NOTICE IS HEREBY GIVEN that the Isanti County Board of Commissioners took action at a Public Hearing on Wednesday, May 21st, 2014 to make the following amendments to the Isanti County Zoning Ordinance:

The Ordinance as amended will read as follows:

SECTION 4. Rules and Definitions

Subdivision 2. Definitions

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty-five (35) feet in height if free standing or 15 feet in height if roof mounted, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

1. COMMUNICATION TOWER; SELF SUPPORT– A ground mounted tower consisting of a structure constructed without guy wires and anchors.
2. COMMUNICATION TOWER; GUYED – A tower that is supported in whole or part by wires and ground anchors.
3. COMMUNICATION TOWER; MONOPOLE – A ground mounted tower consisting of a single pole constructed without guy wires and anchors.

Subdivision 10. Commercial Wireless Telecommunication Towers and Antennas

1. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the County finds that these regulations are necessary in order to:

- a. facilitate provision of wireless communication services to the residents and businesses of the County;
- b. minimize adverse visual effects of towers through careful design and siting standards;

- c. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- d. maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

2. Conditional Use Permit Required

It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to the County and securing a conditional use permit therefore as hereinafter provided. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

3. Additional Submittal Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:

- a. Provide documentation of the area to be served including maps demonstrating size of communication cells and search radius for the antenna location. A narrative describing a search radius of not less than 1 mile for the requested site, clearly explaining why the site was selected, locating all existing towers, and identifying all other structures that may be potential co-location sites.
- b. For all proposed commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successor(s) to allow the shared use of the tower if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use.
- c. The applicant(s) must submit a copy of the Federal Aviation Administration report.
- d. The applicant(s) must obtain the Federal Communications Commission's licensure and approval as required for various communication applications.
- e. The applicant(s) must submit proof of liability and Worker's Compensation Insurance.
- f. The applicant(s) must submit proof that towers and their antennae have been designed by and, following completion of construction, were inspected, at the applicant's expense, by a qualified and licensed engineer to conform to applicable State structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
- g. All applications for new wireless telecommunication service shall submit an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

4. Co-location Required

- a. If a new tower or antenna support structure over 99 feet in height is to be constructed, it shall be designed to accommodate a minimum of two other users of similar antenna configurations including but not limited to other cellular communication companies, police, fire and ambulance companies; if the proposed tower or antenna support structure is between 35 and 99 feet in height it shall be designed so as to accommodate at least one (1) additional user.

- b. Proposals for new commercial wireless telecommunication service towers shall not be approved unless it can be reasonably documented by the applicant(s) that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one-mile search radius of the proposed tower 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 competent structural engineer;
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a competent radio frequency engineer;
 - iii. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent radio frequency and/or structural engineer;
 - iv. The applicants shall submit proof of best efforts to negotiate reasonably industry terms regarding the lease or purchase of space on an existing tower; or
 - v. Other reasons considered reasonable by the industry as documented by a competent radio frequency engineer affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing tower.

5. Tower and Antenna Design Requirement

Proposed construction or modification of towers shall meet the following design requirements:

- a. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA or FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.
- b. Commercial wireless telecommunication service towers are preferred to be of a monopole design.
- c. All utility buildings and utility structures accessory to a tower, if not screened in accordance with this ordinance, shall be architecturally designed to blend in with the surrounding environment.
- d. All towers shall be protected by a County-approved barrier at least 6 feet in height to discourage climbing by unauthorized persons.
- e. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.
- f. Towers and antennae shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administration or other authority.

- g. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk.
- h. No interference with local television and radio reception will be allowed.

6. Screening and Landscaping

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscape materials. Landscape materials shall be capable of screening all year and must form a continuous mass, 6 feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

The County Planning Commission may consider the substitution of other screening plans, such as decorative fencing or walls, or the use of vines on fencing, where the installation of other types of landscape materials may not be feasible.

7. Tower Location and setbacks

- a. Towers and accessory buildings located on any lot of record shall be subject to the appropriate side and rear setbacks established for structures in the underlying zoning districts in addition to the setbacks established in c – j below.
- b. The setback shall be measured from the center point of the base of the tower.
- c. The minimum distance from the center point of the base of any tower to the nearest existing residential structure or any vacant parcel boundary currently platted for residential development in the Agriculture/Residential District shall be equal to two and one-half times the height of the tower.
- d. The minimum distance from the center point of the base of any tower to the Highways 65, 47 and 95 Rights – of – way shall be two and one –half times the height of the tower.
- e. The minimum distance from the center point of the base of any tower to all other County and Township Rights-of-way or private road easements shall be two and one – half times the height of the tower.
- f. A setback may be reduced or its location in relation to a public right-of-way may be varied at the sole discretion of the County Planning Commission to allow the integration of a tower into an existing or proposed structure such as a light standard, power line support device, building, steeple, elevator, or similar structure.
- g. Towers shall not be located between a principal structure and a public right-of-way.
- h. Towers shall not encroach upon any easements.
- i. The minimum distance from the center point of the base of any tower to all designated Shoreland Districts, the Rural Service District, Rum River Scenic Areas, all DNR protected waters, or other protected environmental features shall be two and one – half times the height of the tower.
- j. The minimum distance from the center point of the base of any tower to the end of an airport

clear zone shall be ½ mile.

8. Tower Height

- a. Tower height shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae or other attachments.
- b. Restrictions on the height of the tower and antennae shall be as follows:
 1. The height of the antenna shall be the minimum necessary to function satisfactorily as verified by a competent radio frequency engineer.

9. Antennae Mounted on Roofs, Walls and Existing Towers

The placement of antennae on roofs, walls, and existing towers may be administratively approved by the County provided that the antenna meets the appropriate requirements of this code.

- a. Roof mounted antennae shall not exceed 15 feet above the highest point of the roof and shall be setback at least 10 feet from the edge of the roof.
- b. Wall or facade mounted antennae may not extend beyond 5 feet above the cornice line.

10. Multiple Principal Uses and Structures on a Single Lot

For the purpose of this subdivision one tower with one or more antennae and attachments shall be permitted on the same lot as another principal use or structure subject to the requirements of this ordinance.

11. Time Limit on Tower Construction

Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit. Landscaping must be installed within the first growing season immediately following construction.

12. Obsolete or Unused Towers

All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the County Board. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers.

The owner of the tower shall provide the County with an acceptable financial guarantee in an amount equal to 1 and ½ times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of three feet, and to restore the site. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and be reimbursed by the property owner.

13. Effect of the Ordinance on Existing Towers and Antennae

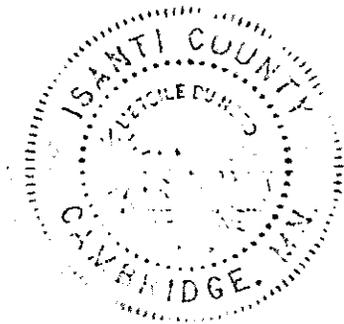
Antennae and towers in existence as of June 16th, 1999, which do not conform to or comply with this subdivision are subject to the following provisions:

- a. Towers may continue in use and maintenance for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with the Subdivision. At the sole discretion of the Planning Commission, towers in existence as of June

16th, 1999, which do not conform to or comply with this Subdivision may be considered for the co-location of other users' antennae.

- b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions if the cost of repairing the tower to the former use, physical dimensions, and location would be less than fifty (50) percent of its value, as determined by the County Assessor.

Adopted by the Isanti County Board of Commissioners on the 21st day of May, 2014





Kevin VanHooser
Isanti County Administrator