

STAFF REPORT

Application:	Requests related to the construction of a telecommunication tower and associated support structures. Approvals required include a Conditional use permit to allow a 176-foot tall self-supporting wireless telecommunication tower.
Applicant (Tower Owner):	Verizon Wireless (VAC) LLC
Property Owner:	Allen Jorschumb
Agenda Item:	4(a)

Background Information:

- **Proposal:** This application represents a re-submittal of an essentially identical application that was submitted in early 2020 and was approved for a conditional use permit. The approved tower and equipment, however, was never constructed and the conditional use permit expired. As such, a re-application is required. The applicants are proposing to construct a 176-foot tall wireless communication tower on the northeast corner of the property. The tower is intended to increase capacity “to carry wireless data and voice transmissions in Wheaton” according to the application. It would be a self-supporting tower with a silver galvanized finished lattice design to help it blend in with the skyline as much as possible. They indicate that a 6 foot high security fence would be constructed, if required, around the base of the tower, along with several cabinets and an emergency power generator. Verizon indicates that there are no other towers in a one-mile radius upon which they could co-locate their equipment (as an alternative to building a completely new tower). They indicate that existing grain elevators are within the one-mile radius, but were not suitable due to fire and explosion hazards. There are two existing towers within about a 1.5 mile radius.
- **Location:**
 - Property address: None (site is on the south side of Highway 27 immediately west of the City of Wheaton boundary)
 - Sec/Twp/Range: 24-127-47
 - Parcel number(s): 06-0265000
- **Zoning:** A Agricultural
- **Lot size:** Approx. an 100’ x 100’ area plus a driveway into the site in the NE corner of a 160 acre parcel. Verizon Wireless would lease the site.
- **Septic System Status:** N/A
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff. The lot does not contain steep slopes that would impact the proposed improvement(s) to the property.
 - Wetlands: There are not wetlands that are likely to be impacted by the proposed improvement(s) to the property.

- Current Shoreline Conditions: N/A

Planning Commission Action: The Planning Commission may recommend approval of the variance request, denial of the request(s), or tabling the request(s) if the Commission should need additional information from the applicant. If the Commission should recommend approval or denial of the request, the Commission should state its recommended findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Conditional Use only if the Commission does not find significant negative impacts on surrounding property values.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. Current and future property owners shall be responsible to identify and comply with all other local, state and federal regulations applicable to their proposed use and alteration of their property.
2. The applicant shall meet all requirements and performance standards of Section 19.08 of the Traverse County Land Use Ordinance. Regarding requirements for screening, the ground mounted equipment may be screened by vegetation or a 6 ft tall fence which screens view of the equipment via privacy slats or other equally effective screening methods or materials.
3. The construction of the actual ground equipment shall require a land use/zoning permit, separate from any approved conditional use permit.
4. Any approved conditional use permit shall expire one (1) year after it has been approved by the County. Extensions of that timeline may be requested of the County Board but are not required to be granted. Upon expiration, any request to conduct the approved work shall require re-submittal per the terms and requirements of the Traverse County Land Use Ordinance at the time of re-submittal.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1) **Not a Burden. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.**

Findings Supporting Approval

The proposed use of buildings taller than 100 feet should not create any burden on public facilities since the height is not the factor that would create a burden. The Wheaton airport is within about 2 miles of the proposed site and any FAA requirements for lighting of the structures would need to be met. The ordinance only a minimum setback (3 miles) from airports when the tower is at least 200 feet in height. The proposed tower is 176 feet in height.

Findings Supporting Denial

None

- 2) **Compatible with Adjacent Uses. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residential zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land in a similar context of the uses in the vicinity.**

Findings Supporting Approval

Surrounding land uses are a mix of residential and commercial/other uses to the east (in the City of Wheaton), and agricultural fields to the north, west and south. Towers are not uncommon near residential areas and should pose no conflict with the agricultural uses.

Findings Supporting Denial

The primary potential negative impact on adjacent uses would be to the residential properties to the east. These impacts would be mostly visual and could negatively impact property values in the area.

- 3) **No Adverse Affect on Adjacent Properties. The structure and site will not have an appearance, traffic, noise and emission levels that will have an adverse effect upon adjacent properties.**

Findings Supporting Approval

See discussion in #2 above.

Findings Supporting Denial

See discussion in #2 above.

- 4) **Relates to the Needs of the County. The use is reasonably related to the overall needs of the County and to existing land uses.**

Findings Supporting Approval

The County has a general interest in supporting adequate wireless cell and data transmissions in the area and the proposed project would help meet that need.

Findings Supporting Denial

While there is a need for wireless cell and data transmissions, the County also has a need to protect property values and the proposed tower could negatively impact property values for the existing properties to the east or inhibit the future development of land to the north, south and west.

- 5) **Consistent with the Comprehensive Plan. The use is consistent with the purposes of the Zoning Ordinances and the purposes of the zoning district in which the applicant intends to locate the proposed use and the use is consistent with the Comprehensive Plan.**

Findings Supporting Approval

The Comprehensive Plan does not directly address uses such as wireless towers, but expresses a general goal of preventing land use conflict and balancing the needs of the community.

Findings Supporting Denial

See #4 above.

6) Not a Traffic Hazard. The use will not cause a traffic hazard or congestion.

Findings Supporting Approval

The site is served by State Highway 27 a local road. The use should have very little impact on traffic congestion after construction is completed. The tower will be located at least as far away from all property lines (and roads) as the height of the tower and as such any collapse of the tower should not create a traffic hazard.

Findings Supporting Denial

None

7) No Adverse Affect on Existing Business. Existing nearby businesses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Findings Supporting Approval

There are numerous businesses located to the east in the City of Wheaton. There should be little adverse impact on these businesses and it may help improve their access to wireless and data services.

Findings Supporting Denial

The primary adverse impact on businesses would be visual.

8) Floodplain. For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.

Findings Supporting Approval

N/A

Findings Supporting Denial

N/A

9) Shoreland. For property located in Shoreland districts, the criteria set out in the Shoreland Ordinance will be met.

Findings Supporting Approval

N/A

Findings Supporting Denial

N/A

10) Feedlots. Feedlots will meet the requirements of the Feedlot Ordinance.

Findings Supporting Approval

N/A

Findings Supporting Denial

N/A

Appendix A

Applicable Statutes and Ordinances

Traverse County Regulations

SECTION 14 CONDITIONAL USE PERMITS

14.00 CONDITIONAL USE PERMITS

14.02 Criteria for Granting Conditional Use Permits

In granting a Conditional Use Permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the County Board must make the following findings where applicable.

1. **Not a Burden.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Adjacent Uses.** The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residential zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land in a similar context of the uses in the vicinity.
3. **No Adverse Affect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise and emission levels that will have an adverse effect upon adjacent properties.
4. **Relates to the Needs of the County.** The use is reasonably related to the overall needs of the County and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The use is consistent with the purposes of the Zoning Ordinances and the purposes of the zoning district in which the applicant intends to locate the proposed use and the use is consistent with the Comprehensive Plan.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **No Adverse Affect on Existing Business.** Existing nearby businesses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
8. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.
9. **Shoreland.** For property located in Shoreland districts, the criteria set out in the Shoreland Ordinance will be met.
10. **Feedlots.** Feedlots will meet the requirements of the Feedlot Ordinance.

14.03 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the County Board may impose conditions considered necessary to protect the best interest of the surrounding area or the County as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. Any other condition the Planning Commission or County Board deems necessary to protect the public interest.
11. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
12. Additional Conditions may be imposed on property covered by the Shoreland Ordinance.
13. Additional Conditions may be imposed on feedlots in accord with the Feedlot Ordinance.

14.04 Changes in Conditional Uses

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the County Board and time limits, review dates, and such other information as may be appropriate.

19.08 Telecommunication Towers.

A. Purpose.

The purpose of the Telecommunication Towers Section shall be to establish predictable and balanced regulations that protect the public, health, safety, and general welfare of the county. These regulations are intended to:

1. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Traverse County.
2. Minimize adverse visual effects of towers through careful design and siting standards.
3. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements.
4. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the County.

B. Tower and Antenna Design Requirements.

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas must blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities.
2. Platforms, catwalks, crow's nests, or like structures, may not be attached to or constructed on any tower except during periods of construction or repair.
3. Towers and their antennas must be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
4. Towers and their antennas must be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
5. Metal towers must be constructed of, or treated with, corrosive resistant material.

C. Tower Setbacks.

Towers and all accessory structures or buildings must conform to the following minimum setback requirements:

1. Towers must be setback from all property lines an amount equal to the height of the structure.
2. Guy wires for towers may not be located closer than twenty-five (25) feet to any property line and must meet the setback of the underlying zoning district with respect to the public road right of way.
3. Suitable protective anti-climbing fencing, with a minimum height of six (6) feet, must be provided around any tower and guy wires.

D. Tower Location.

Towers that are two hundred (200) feet or more in height must be located a distance of at least three (3) miles from any public or private airport.

H. Tower Lighting.

Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation any lights reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or the Federal Communications Commission, a state agency or the County. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

J. Public Safety Telecommunications Interference.

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Traverse County public safety communications system before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the County at least ten (10) calendar days in advance of any changes and allow the County to monitor interference levels during the testing process.

K. Signs and Advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

M. Additional Submittal Requirements.

In addition to the information required elsewhere, applications shall include the following information:

1. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate.
2. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. The location of all public and private airports within three (3) miles radius of the tower site.
4. Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed.
5. Permittee must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.

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