

**September 18, 2007**

## **Connecting South Dakota: Wireless Technology**

- Jayna Watson, City Planner, Spearfish SD
- Objectives –
  - Identify the 1, 2, 3' s of how to draft a wireless tele-communications ordinance
- 1) GET A REVIEW COMMITTEE TOGETHER
  - Include all views- supporters, detractors, wireless providers, other agencies, and 'Joe Citizen'
  - Set specific time frames to get work done
  - No meeting more than one hour each
  - Specific agenda for each week
  - Get the whole project done in 6 weeks
  - One String Attached.....all agree that wireless is a utility, it will be part of our community with reasonable accommodations

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### **■ 2) PRIORITIZE WHERE TO REGULATE**

- Industrial parks – less regulation
- Commercial areas – moderate regulation
- Historic, scenic, residential areas – most regulation
- Allow wireless antenna ‘by right’ in at least 2 or 3 zoning districts or land use areas, with criteria for height, screening, etc.
- Create incentives for camouflage, architectural integration with speedy approval process

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- **3) IDENTIFY WHAT APPROVAL PROCESS TO FOLLOW:**
  - Administrative
    - Camouflaged, architectural integrated
      - Up to existing height of zoning district
    - Swapping out existing poles
    - Facilities using height allowed in the zoning district
  - Use Permit
    - New structures
      - Max. of how much taller than existing structures
      - In South Dakota, Use Permits are not referable decisions.
      - Criteria should be
        - QUANTITATIVE and
        - PERFORMANCE based

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### ■ Quantitative –

- I.D. maximum heights, setbacks and measurable features
  - Think of setbacks from a general area, vs. site setbacks
    - A 25 foot property setback does not mitigate a 200 foot monopole at the 'gateway' to your city's scenic roadway, however
    - A 250 foot setback from the scenic roadway would be more effective
      - Flip side to the coin – be careful not to push them into the neighborhood!
  - Regulate height in context to the surroundings
    - A 250 foot lattice tower in an agriculture district vs. in a residential neighborhood
    - A 60 foot clock tower on Main Street vs. in a tree filled hillside

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### ■ Performance – Be specific!!

- Describe the final outcome, as the community would perceive it:
  - “The facility would not be recognized as a telecommunications facility, or its visibility is limited
    - A monopole ‘dressed’ as a flag pole
    - Antenna installed on the face of an elevator penthouse
    - Antenna that has restricted visibility
  - “The facility is located in an area of existing poles and utility structures whereby the proposed installation is not an added visual detriment”
    - Areas where other radio towers exist
    - Hill City, SD example: Antenna near community water storage tower.
  - “There are technical reasons that will not permit the telecommunications facility to be designed with architectural integration”
    - If every eligible building in town is shorter than 25 feet, the camouflaged ‘tree’ is the only solution OR the 350 foot tall prairie lattice tower is the only solution....

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Performance, continued

- Ground equipment and support structure color blends with the surrounding setting.
  
- Special circumstance(s) exist that reduce the impact of the facility –
  - Surrounded by 80 foot tall cottonwood trees
  - Nearest house is 1/2 mile away (reduces ‘in my back yard’ issues)
  - View to the antenna is cut off at the street level – the only view is from three blocks away.



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- Spearfish model in a nutshell:
  - Identified land use and zoning districts from most to least sensitive:
    - I-90 corridor (no billboards permitted)
    - Historic downtown residential and commercial
    - All other residential
    - Commercial, public buildings, sports field lighting
    - Industrial
    - Definitions of terms and Exceptions must be very clear
      - Exceptions: existing legal/non conforming installations, swapping out poles, etc.

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### ■ Points system:

- The lower the points for any location, the more creative the installation must be, based on the approval sought.
- Verizon Wireless Example:
  - Site zoned Commercial
  - Wireless facilities that score up to 17 points permitted by use permit or admin approval, based on height and other design factors
  - 60 foot flag pole = 10 points
  - Admin. Approval permitted for up to 60 feet.

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- Alternative: seek use permit approval for up to 125 feet



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- 25 points for the height; subtract:
  - 2 points for stealth mounted antenna
  - 4 points for co-location of other carrier
  - 6 points for being over 660 feet from nearby residences
  - ALSO - Compare against use permit criteria
    - “The facility would not be recognized as a telecommunications facility, or its visibility is limited
    - “The facility is located in an area of existing poles and utility structures whereby the proposed installation is not an added visual detriment”
    - “There are technical reasons that will not permit the telecommunications facility to be designed with architectural integration” Ground equipment and support structure color blends with the surrounding setting.
    - Special circumstance(s) exist that reduce the impact of the facility



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## **Connecting South Dakota: Wireless Technology**

### **■ Conclusion/Main Points**

- Get a committee together
- Determine your most sensitive areas to be protected
- Create an ordinance that allows both administrative and use permit processes
- Test your ordinance against real or recent examples that were both supported and not supported