



Oconee County Board of Zoning Appeals

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4218

Fax: 864-638-4168

Minutes

6:00 P.M., Thursday, March 28, 2013

Oconee County Council Chambers

Members Present:

Mr. Lee (Chairman)

Mr. Reckert

Mr. Nichols

Mr. Medford

Mr. Hughes

Mr. McKee

Mr. Littlefield

Mr. Josh Stephens (Zoning Administrator)

Media present: None

Item 1. Call to Order

Mr. Josh Stephens called the meeting to order, with the approval of the Chairman, due to the Election of Officers.

Item 2. Approval of Minutes (January 17, 2013)

Mr. Medford made a motion to approve the minutes. Mr. Nichols seconded the motion. The minutes were approved 4-0 with Mr. McKee, Hughes, and Littlefield abstaining.

Item 3. Public Comment

Mr. Ryan Honea gave the details of timeline related to Variance request.

Item 4. Election of Officers

Mr. Reckert nominated Mr. Sam Lee for the position of Chairman. Mr. McKee seconded the motion. The motion passed unanimously, 7-0, at which point Mr. Lee took over as Chairman for the remainder of the meeting. Mr. Lee expressed his thanks for the honor.

Mr. Reckert nominated Mr. Littlefield for the position of Vice-Chairman. Mr. Hughes seconded the motion. The motion passed unanimously, 7-0.

Item 5. Variance Request from Masstar Signs

Mr. Stephens stated the matter before the Board of Zoning Appeals.

Mr. Bobby James, a representative from Masstar Signs, presented the details of the timeline regarding the sign, specifically that a deposit was received on January 15, 2013. He further explained that the permit was sent in and notified that the Zoning requirements of Chapter 38 of Oconee's Code of Ordinances had been amended during the production of the sign.

Mr. McKee asked for Mr. James to clarify the timeline of events.

Mr. Littlefield asked about the location of the sign and Mr. James answered that it would be located in the vicinity of the sign currently there. Mr. Littlefield asked Mr. James to clarify the height of the sign above grade.

Mr. Nichols asked if the sign could be lowered. Mr. James responded that the structure was already built.

Mr. Hughes asked if other projects could were in the 'works?' Mr. Stephens answered that no other projects were currently under review by the Community Development Office. He also asked about the lights associated with the sign. Mr. James explained that the sign would dim at night.

Mr. Lee asked if the sign would be on all night. Mr. James answered that it would be around all night.

Mr. Reckert asked about protective measures around the sign. Mr. James said that the sign would possibly be protected.

Mr. Hughes made a motion the Variance be granted as requested at 15 feet. Mr. McKee seconded the motion. The motion passed unanimously, 7-0.

Item 6. Old Business

Item 7. New Business

Mr. Stephens presented a meeting schedule. As presented the Board would meet on the last Thursday of the month with a submission deadline being set as the last Thursday of the month in order to be heard at the following month's meeting.

Mr. Medford made a motion to establish the schedule as presented. Mr. Reckert seconded the motion. The motion passed unanimously, 7-0.

Item 8. Adjourn



OCONEE NUCLEAR SITE

Duke Energy Corporation
7800 Seneca Skyway
Seneca, SC 29672

864.873.3300

April 25, 2013

Re: Oconee Nuclear Station
Notice of Appeal
Special Exception to Structure Height

Please find the attached Oconee County Planning Commission Notice of Appeal.

Oconee Nuclear Station proposed to build a multi-story office building within the Owner Control Area and the Station Protected Area. Pursuant of Section 38-7.2, we respectfully request the review and approval of the subject appeal.

If there are any questions, please advise.

J.S. Owings
Oconee Nuclear Station
Site Services Supervisor
Project Sponsor

cc: BJ Gatten
RE Bryant
SL Batson

attachments



Oconee County Planning Commission

415 S. Pine St. • Walhalla, South Carolina 29691
Phone (864) 638-4218 • Fax (864) 638-4168

NOTICE OF APPEAL

Date April 25, 2013

I, J. S. Owings (agent of owner) (owner) (agent of owner)

hereby request an appeal to the following action (be specific):

With regards to Article 7 Section 38-7.2 of the County Zoning Ordinances, Duke Energy of the Carolinas LLC respectfully request a Special Exception to Section 32-601 Building Height Regulation Ordinance, specifically section 32-605. Duke Energy's Oconee Nuclear Station plans to build a 5 story office building within it's Protected Area, the structure height is designed at 81 feet in height from grade.

Reason for appeal:

Please reference attachment for reason for appeal.

Applicant's Name J. S. Owings Site Services Supervisor, SSC Project Sponsor

Address 7800 Rochester Hwy Seneca, SC 29672

Mailing Address (if different)

Phone Number 864-873-3674

Fax Number

864-873-4957

Signature:

Please be advised that an Appeals Application Fee of \$50 must be paid in full at the time the application is received by the Planning Department. Applicants shall be notified at the specified mailing address once a public hearing date is set.

April 25, 2013
Oconee County Planning Commission
NOTICE OF APPEAL

Reason for appeal:

The proposed structure is located within the plant and is therefore fully compatible with the surrounding character of the environment and poses no impact on the area. The purpose of the proposed structure is to consolidate existing personnel and eliminate multiple temporary buildings throughout the site and therefore will not result in any permanent increase in traffic count on the local roadways. The new structure will be in perfect harmony with its surroundings, will not impact the environmental quality of the area and will not require any increase in emergency response by Oconee County. The new structure is surrounded by existing structures within the plant which exceed this buildings proposed height. Please review the attached drawing which shows the elevations of multiple existing structures around the building all of which are taller than the proposed new building. Additionally note the existing elevation of the current hillside behind the building to be within 25 feet of the proposed building maximum elevation only the face of the building exceeds the height restriction as the other three sides are in the existing hillside. In addition, the proposed structure will be only partially visible from state road highway 130.

We believe the proposed building is fully compatible with the intent of and purpose of the existing codes and ordinances of Oconee County.

WORLD OF ENERGY ENTRANCE

(Checkpoint 2)

WORLD OF ENERGY
VISITORS CENTER

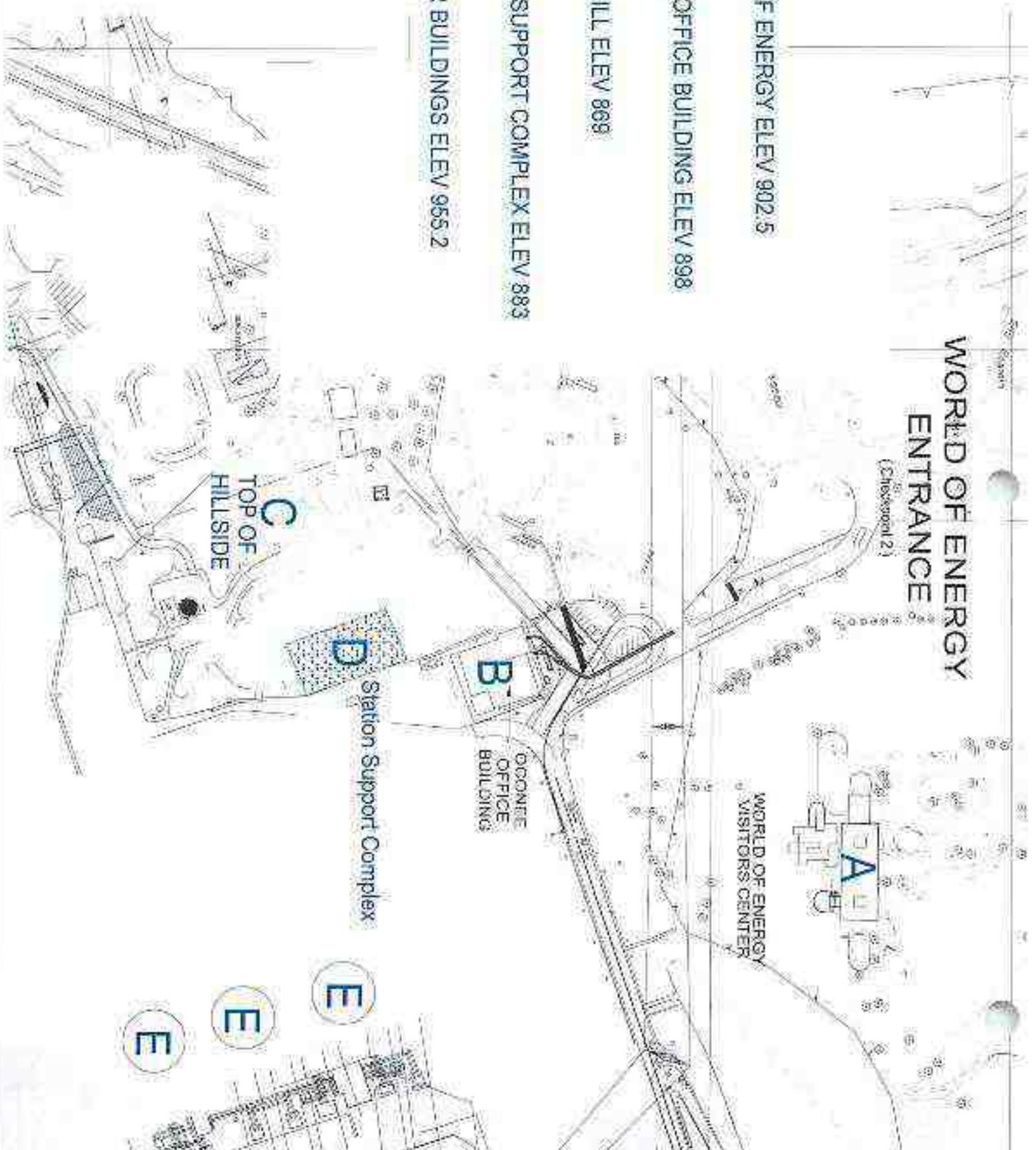
A - WORLD OF ENERGY ELEV 902.5

B - O'CONNOR OFFICE BUILDING ELEV 898

C - TOP OF HILL ELEV 869

D - STATION SUPPORT COMPLEX ELEV 883

E - REACTOR BUILDINGS ELEV 955.2



Oconee County Planning Department



415 S. Pine Street
Walhalla, SC 29691
Telephone (864)638-4218 Fax (864)638-4168

NOTICE OF PUBLIC HEARING

This notice is to all owners of properties adjacent to parcels located at:
Tax Map # 138-00-01-001

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, May 30, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, Duke Power, is requesting a Special Exception to construct an office building per Oconee County Unified Performance Standards, Ch. 32 Article 9. If you would like additional information concerning this request, please contact the Planning Department at 864-638-4218.

A copy of the application is available for public viewing in the Oconee County Planning Department (Telephone 864-638-4218).

Oconee County Board of Zoning Appeals



415 S. Pine Street
Walhalla, SC 29691
Telephone (864)638-4218 Fax (864)638-4168

.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE
OF YOUR NEWSPAPER**

TO: DAILY JOURNAL [classadmgr@dailyjm.com]

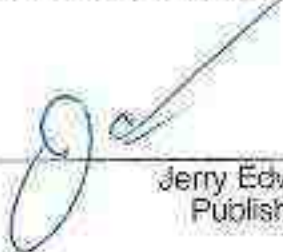
The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, May 30, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, Duke Power, is requesting a special exception hearing, regarding the height of a proposed office building, per Ch. 32 Article 9 of Oconee County Code of Ordinances. If you would like additional information concerning these requests, please contact the Planning Department at 864-638-4218.

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

**IN RE: Oconee County Planning Commission
Board of Zoning Appeals - May 30, 2013
Applicant - Duke Power**

BEFORE ME the undersigned, a Notary Public for the State and County above named, this day personally came before me, Jerry Edwards, who being first duly sworn according to law, says that he is the Publisher of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said paper on May 7, 2013 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Jerry Edwards
Publisher

Subscribed and sworn to before me this
7th day of May A.D. 2013.



Jennifer A. White
Notary Public for South Carolina
My Commission Expires: 05/18/2014

- CODE OF ORDINANCES
Chapter 32 - UNIFIED PERFORMANCE STANDARDS

ARTICLE IX. - BUILDING HEIGHT REGULATIONS

ARTICLE IX. - BUILDING HEIGHT REGULATIONS

[Sec. 32-601. - Title.](#)

[Sec. 32-602. - Authority.](#)

[Sec. 32-603. - Jurisdiction.](#)

[Sec. 32-604. - Terms and definitions.](#)

[Sec. 32-605. - Requirements.](#)

[Sec. 32-606. - Exemptions.](#)

[Sec. 32-607. - Penalties.](#)

Sec. 32-601. - Title.

This article shall be known as the "Building Height Regulation Ordinance."

(Ord. No. 2009-16, § 1, 9-1-2009)

Sec. 32-602. - Authority.

The provisions of this article are adopted under authority of the South Carolina Local Government Comprehensive Planning Act of 1994, S.C. Code Title 6. Chapter 29.

(Ord. No. 2009-16, § 2, 9-1-2009)

Sec. 32-603. - Jurisdiction.

The regulations set forth in this article shall be applicable within the unincorporated areas of Oconee County, South Carolina.

(Ord. No. 2009-16, § 3, 9-1-2009)

Sec. 32-604. - Terms and definitions.

Except where specifically defined herein, all words in this article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory.

Structure means any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

Structure height means the vertical distance measured from the average elevation of the finished grade at the front of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County. Spires, cupolas, chimneys, antennae attached to a Structure, and/or projections from

- CODE OF ORDINANCES
Chapter 32 - UNIFIED PERFORMANCE STANDARDS

ARTICLE IX. - BUILDING HEIGHT REGULATIONS

Structures, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of Structure height.

(Ord. No. 2009-16, § 4, 9-1-2009)

Sec. 32-605. - Requirements.

All proposed Structures not specifically exempted by this article that are greater than 65 feet in height shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in [chapter 32](#), article I of this Code, as amended, the board shall issue findings on each of the following criteria:

- (1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.
- (2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed Structure.
- (3) Potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed Structure that may impact existing uses and/or adjacent properties.
- (4) The aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed structure of scenic views, historic sites, significant landmarks, and other sensitive areas.
- (5) Appropriateness of proposed Structure in relation to the character of the community.

(Ord. No. 2009-16, § 5, 9-1-2009)

Sec. 32-606. - Exemptions.

The following Structures shall be exempt from the standards governing height established by this article:

- (1) Belfries.
- (2) Chimneys.
- (3) Church spires.
- (4) Communication towers (to include amateur radio antennas).
- (5) Conveyors.
- (6) Cooling towers.
- (7) Cupolas.
- (8) Domes.
- (9) Elevator bulkheads.
- (10) Fire towers.
- (11) Flag poles.
- (12) Ornamental towers and spires.
- (13) Public monuments.

- CODE OF ORDINANCES
Chapter 32 - UNIFIED PERFORMANCE STANDARDS

ARTICLE IX. - BUILDING HEIGHT REGULATIONS

- (14) Public utility poles.
- (15) Silos.
- (16) Skylights.
- (17) Smoke stacks.
- (18) Stage towers or scenery lofts.

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter.

(Ord. No. 2009-16, § 6, 9-1-2009)

Sec. 32-607. - Penalties.

Any violation of this article shall be considered a violation of the Oconee County Code of Ordinances and a misdemeanor, and shall be punishable as prescribed herein for each offense. Each day such violation continues shall constitute a separate offense of these regulations. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2009-16, § 7, 9-1-2009)



Oconee County Planning Commission

415 S. Pine St. • Walhalla, South Carolina 29691
Phone (864) 638-4218 • Fax (864) 638-4168

Application for Land Use Permit

Date March 15, 2013

I, David M Herring

(owner) (agent of owner)

hereby make application to the Oconee County Planning Commission for the following land usage: 193 monopole communications tower

Company Name(s): Craig F. Blaney

Lot Number: _____

Block Number: _____

Tax Map Number(s): 113-00-02-014

Address: Long Creek Street

Existing Land Use Vacant

Special Conditions (if any): _____

Is the tract or parcel of land restricted by any recorded covenant that is contrary to or conflicts with, or prohibits the proposed activity?

Yes

No

As the developer of this tract or parcel of land have you applied any restrictions by recorded covenant? (If yes, please attach a copy)

Yes

No

Applicant's Name SCI Towers

Address 8000 South US Highway One, Suite 407, Port St. Lucie, FL 34952

Mailing Address (if different) _____

Phone Number 321-848-2930

Fax Number

888-549-3889

Signature:

Date March 15, 2013

Please be advised that this is NOT A BUILDING PERMIT APPLICATION. Contact the the Oconee County Building Codes Office (864-718-1005) for more information on required building permits or applications.



Oconee County Community Development

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4718
Fax: 864-638-1168

April 17, 2013

David M. Herring
SCI Towers
8000 South US Highway One
Suite 402
Port St. Lucie, FL 34952

Mr. Herring,

The Planning Department has received an application for a new communication tower (Tax Map # 113-00-02-014). After an initial review, additional information will need to be submitted for review (per Ch. 32 Article 4) before we can move forward in processing your application. The following items have been noted:

- 1) Identify appropriate illumination, per the FCC and/or FAA. 32-134.a
- 2) Identify color of tower which must be a gray and non-reflective paint unless required by state or federal regulations. 32-134.b
- 3) Identify and show detail of required signage. 32-134.c
- 4) Identify and show detail of screening plan. 32-134.f
- 5) Provide appropriate professional documentation regarding wind loads. 32-134.g
- 6) Provide appropriate documentation concerning FCC licensing. 32-134.h
- 7) Please answer the following two questions which were not answered on the application:
 - a. Is the tract or parcel of land restricted by any recorded covenant that is contrary to or conflicts with, or prohibits the proposed activity?
 - b. As the developer of this tract or parcel of land have you applied any restrictions by recorded covenant? (If yes, please attach a copy)
- 8) Based on the plan submitted, it appears the minimum setback requirements are not met. 32-134.m. Per 32-139.b & 32-140 you do have the opportunity to request a variance.
- 9) Submit 2 copies of revisions. 32-138.1
- 10) Provide written authorization from the site owner. 32-238.4
- 11) Provide a visual impact analysis. 32-138.5
- 12) Provide documentation addressing design and location restrictions as stated in 32-138.6
- 13) Provide appropriate engineering and professional documentation as required in 32-138.7
- 14) Please provide the application fee of \$1000.00. Please note that there are separate fees for the public hearing and associated advertising costs.

If you have any questions, please do not hesitate to contact our office at 864-638-4218. Thank you.



Josh Stephens
Zoning Administrator
Community Development Office



SCI TOWERS, LLC

8000 South US Highway One
Suite 402
Port St. Lucie, Florida 34952

T 888.318.2803
F 888-549-3889
Dave@SCItowers.com
www.SCItowers.com

May 2, 2013

Josh Stephens, Zoning Administrator
Oconee County Community Development
415 South Pine Street
Walhalla, SC 29691

RE: SCI TOWERS COMMUNICATION TOWER APPLICATION FOR TAX MAP# 113-00-02-014

Dear Mr Stephens:

In response to your letter dated April 17, 2013, we are addressing your comments noted in that letter. Each numbered item below will correspond with the numbered items in your letter:

1. Identify appropriate illumination, per the FCC and/or FAA. 32-134.a

I have attached a copy of the FAA determination noting that lighting is not required for this facility as ATTACHMENT 2

2. Identify color of tower which must be gray and non-reflective paint unless required by state or federal regulations.

Please note the statement on Sheet Z-1 of the zoning plans in ATTACHMENT 1

3. Identify and show detail of required signage. 32-134.c

Please refer to Sheet Z-3 of the zoning plans in ATTACHMENT 1

4. Identify and show detail of screening plan. 32-134.f

Please refer to the statement on Sheet Z-1 of the zoning plans in ATTACHMENT 1

5. Provide appropriate professional documentation regarding wind loads. 32-134.g

Please refer to the statement on Sheet Z-1 of the zoning plans in ATTACHMENT 1.

6. Provide appropriate documentation concerning FCC licensing. 32-134.h

Because this tower is under 200' in height and is more than five miles from an airport FCC registration is not required for the tower. However, the carriers that will be co-locating on this tower will have the appropriate FCC documentation required.

7. Please answer the following two questions which were not answered on the application:

- a. Is the tract or parcel of land restricted by any recorded covenant that is contrary to or conflicts with, or prohibits the proposed activity? *No*
- b. As the developer of this tract or parcel of land have you applied any restrictions by recorded covenant? (If yes, please attach a copy) *No*

8. Based on the plan submitted, it appears the minimum setback requirements are not met. 32-134.m

We do exceed the required setbacks to the Southwest and Northwest property lines as shown in the zoning plan in ATTACHMENT 1. However we are requesting a variance to this requirement to the Southeast and Northeast property lines. In order to meet the required setback to all property lines we would impact the future usability of the property for future development. Additionally, the location on the subject property will create a larger buffer from the front property line making the tower less visible from the highway, see ATTACHMENT 4. We are willing to accept a condition that would require us to design breakpoints in the tower that in the unlikely event of a failure the tower would collapse within the property boundary of the subject parcel. The closest structure to our proposed tower is approximately 670' away.

9. Submit 2 copies of revisions. 32-138.1

Two copies of the revised plans have been submitted.

10. Provide written authorization from the site owner. 32-238.4

Please see attached Owners Authorization letter in ATTACHMENT 3

11. Provide a visual impact analysis. 32-138.5

As part of our environmental due diligence we were required to fly a balloon at the height of the proposed tower. The photo simulations provided in ATTACHMENT 4 illustrate the proposed tower at the height of the balloon from the only locations it could be seen. I have also attached photos from the nearest residential areas to comply with this section of the code.

12. Provide documentation addressing design and location restrictions as stated in 32-138.6

The purpose of the proposed tower is to provide vital wireless communication services along Highway 76 toward the state line. The closest existing tower is over 2 miles away from this proposed tower. Because this existing tower is only 120' and is located approximately one mile from the highway it is not capable of providing the needed coverage. The next closest tower was five miles. Included with this letter are coverage maps that illustrate the existing and proposed coverage of Verizon Wireless IN ATTACHMENT 4. Verizon will be the carrier that will locate on this proposed tower. We also considered other stealth designs as required by the code. However, because stealth designs limit the optimal operating capacity of the facility the coverage objectives would not be able to be achieved. Specifically, based on land availability this location is as close as we can get to the Chattooga River. One of the vital services this tower will provide will be the ability to utilize wireless communication devices in the event of an emergency along the river. If we were required to utilize a stealth design the wireless services would be ineffective along the river.

13. Provide appropriate engineering and professional documentation as required in 32-138.7

Please refer to the statement in Z-1 of ATTACHMENT 1 for the engineering statement related to the equipment meeting the FCC rules. Additionally, a copy of our insurance certificate is in ATTACHMENT 5.

14. Please provide the application fee of \$1,000.00.

The application fee is included with this letter.

If you have any questions or need any clarifications, please call me at 321-848-2930.

Sincerely,



David M Herring

ATTACHMENT 1

PROJECT DESCRIPTION

INSTALLATION OF A 195' MONOPOLE COMMUNICATIONS TOWER FOR WIRELESS COMMUNICATIONS SERVICES

APPLICANT

SCI TOWERS LLC
8000 SOUTH US HIGHWAY 1, SUITE 402
PORT ST. LUCIE, FL 34952
888-318-2803

PROPERTY OWNER

CRAIG F. BLANEY
P.O. BOX 1405
DAVIDSON, NC 28036

ZONING

CONTROL FREE (NO RESTRICTIONS)

PROPERTY INFORMATION

OCONEE COUNTY PARCEL ID# 113-00-02-014
ADDRESS: LONG CREEK ROAD
LONG CREEK, S.C. 29658

TRAFFIC STATEMENT

EXPECTED NUMBER OF TRIPS PER CARRIER PER MONTH WILL BE 2 FOR EQUIPMENT MAINTENANCE. THIS PROJECT WILL NOT AFFECT OVERALL PERFORMANCE OF ADJACENT ROADWAY.

STORMWATER STATEMENT

TOTAL AMOUNT OF PROPOSED IMPERVIOUS AREA WILL BE LESS THAN 5000 SF ON 9.99 +/- ACRE PARENT TRACT (435,164 SF). DEVELOPMENT WILL NOT NEGATIVELY AFFECT OVERALL DRAINAGE PATTERN OF PARENT TRACT

SITE SCREENING STATEMENT

EXISTING SITE IS IN A HEAVILY WOODED AREA WITH EVERGREEN TREES AND OVER 600' FROM THE NEAREST RIGHT OF WAY. ADDITIONAL VISUAL SCREENING (NEW LANDSCAPE BUFFER AROUND EQUIPMENT COMPOUND) WOULD NOT BE VISABLE FROM THE ADJACENT RIGHT OF WAY. THE APPLICANT BELIEVES THE EXISTING VEGETATIVE SCREENING MEETS THE INTENT OF SECTION 32-134(f) OF THE OCONEE COUNTY SC CODE.

EQUIPMENT USAGE ON SITE

FACILITY TO CONTAIN ONLY RADIO EQUIPMENT MEETING FCC RULES.

REQUIRED SETBACKS

PER OCONEE COUNTY LAND DEVELOPMENT REGULATIONS, PROJECT IS IN A CONTROL FREE DISTRICT (CFD) AND IS NOT REGULATED BY OCONEE COUNTY ZONING REGULATIONS. SEE TABLE THIS PAGE FOR TOWER SETBACK REGULATIONS.

FIRE PROTECTION

FIRE PROTECTION NOT REQUIRED, STRUCTURE IS NOT FLAMMABLE

PARKING

PARKING FOR SERVICE TECHNICIANS WILL BE IN ACCESS EASEMENT ADJACENT TO TOWER COMPOUND.

TOWER COLOR

PER SEC. 32-134(b) COMMUNICATION TOWER SHALL BE PAINTED WITH A GRAY, NONREFLECTIVE PAINT UNLESS OTHERWISE REQUIRED BY STATE OR FEDERAL REGULATIONS.

TOWER DESIGN

PER SEC. 32-134(g) THE COMMUNICATION TOWER SHALL BE DESIGNED TO WITHSTAND WINDS IN ACCORDANCE WITH ANSI/EIA/TIA 222 (LATEST REVISION)



SITE LOCATION MAP

N.T.S.

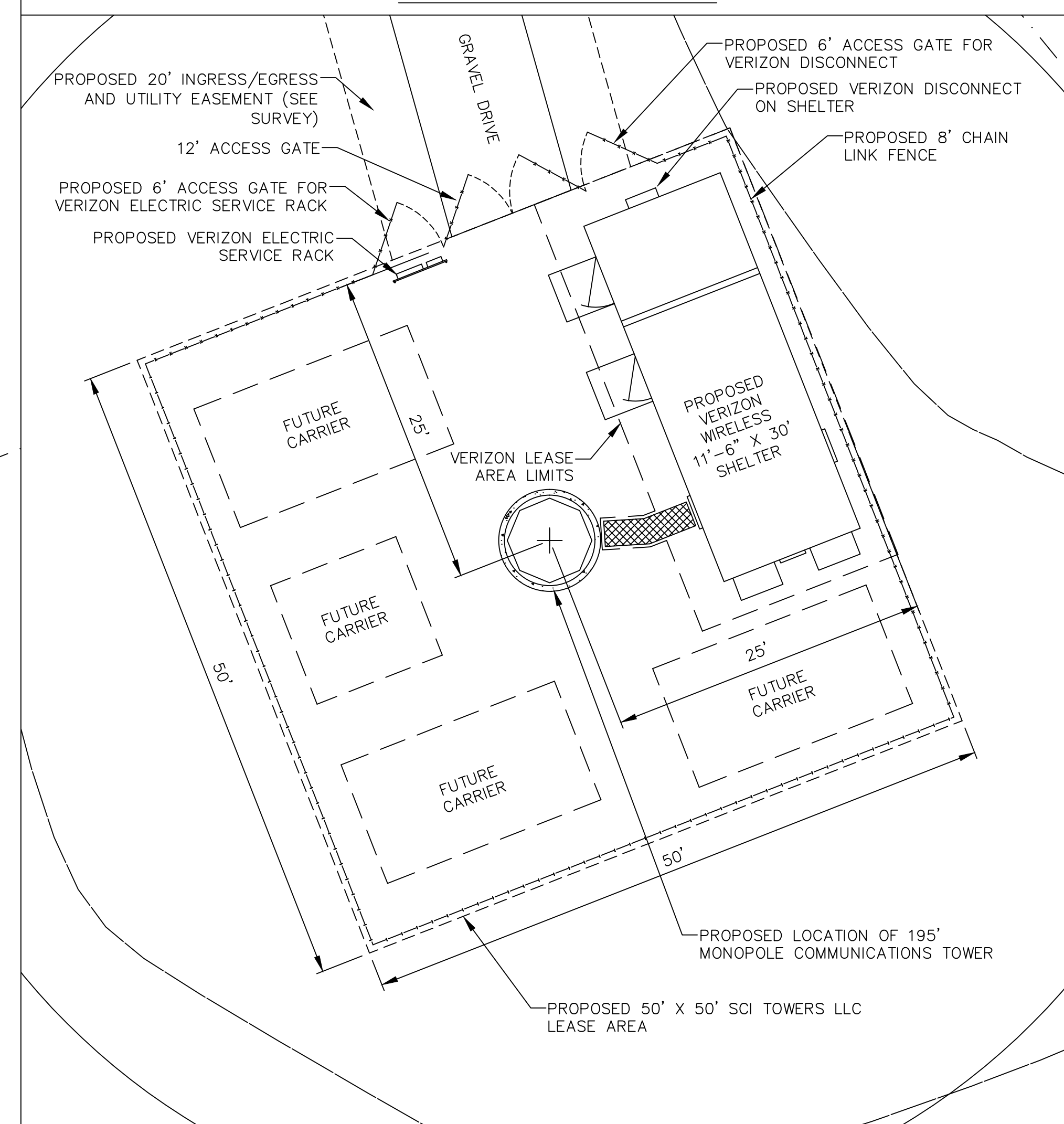


PROPOSED TOWER HEIGHT = 195' AGL
REQUIRED SETBACK = TOWER HEIGHT + 50'

DIRECTION	REQUIRED SETBACK	PROPOSED SETBACK	WAIVER REQUESTED
SOUTHEAST (SIDE)	245'	89'	156'
NORTHEAST (REAR)	245'	51'	194'
SOUTHWEST (FRONT)	245'	643'	N/A
NORTHWEST (SIDE)	245'	721'	N/A

NOTE: TOWER FALL ZONE LETTER TO BE PROVIDED BY TOWER MANUFACTURER WHICH WILL INDICATE THAT IN THE UNLIKELY EVENT OF A TOWER FAILURE, TOWER WILL FALL WITHIN THE PARENT TRACT PARCEL LIMITS

SETBACK INFORMATION

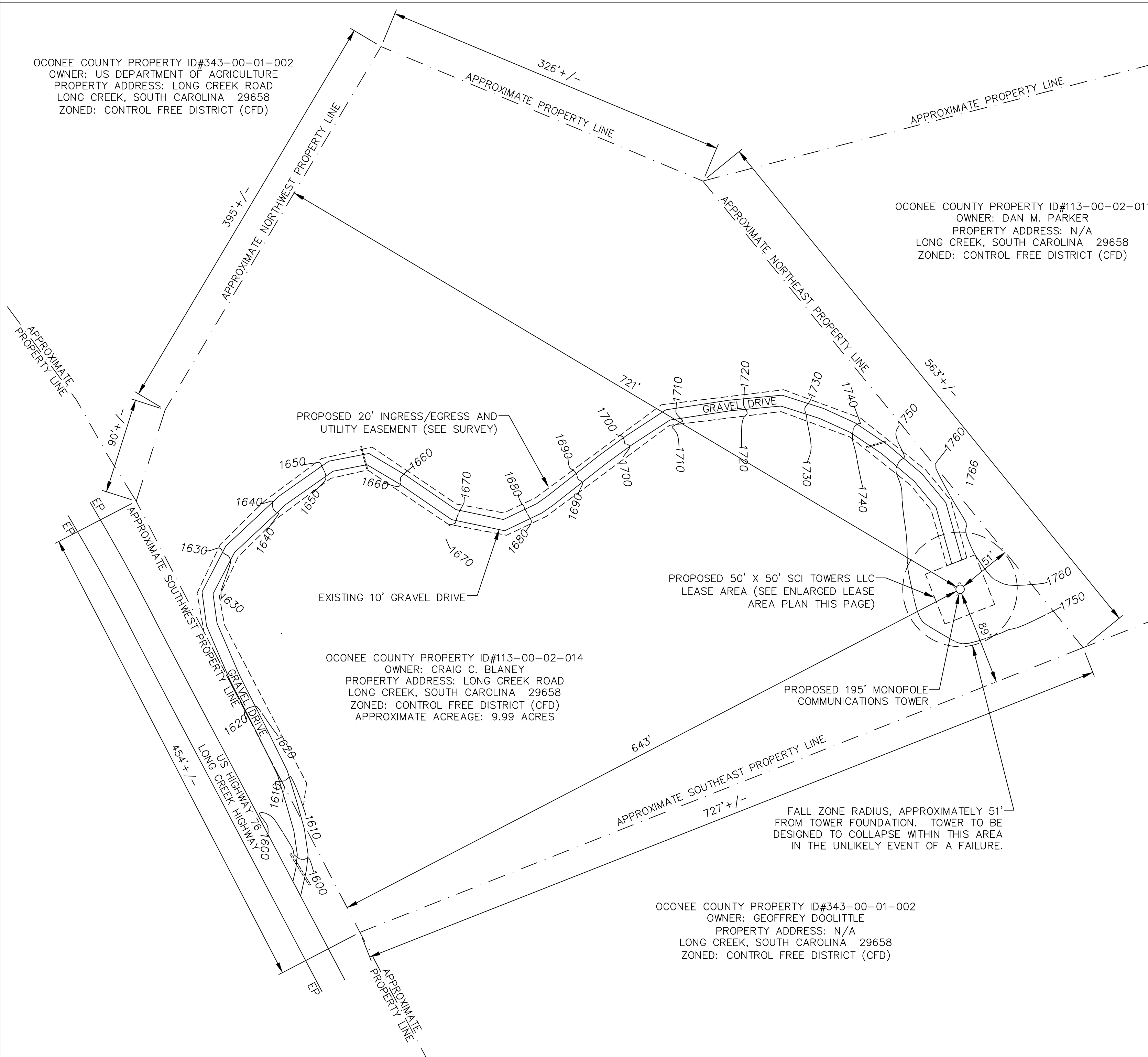


ENLARGED LEASE AREA PLAN



SITE PLAN BASED ON SURVEY PROVIDED BY POINT TO POINT LAND SURVEYORS, PROJECT NUMBER 2013.207

SITE INFORMATION



OVERALL SITE PLAN-LONG CREEK ROAD, PARCEL #113-00-02-014, LONG CREEK, SC



SITE PLAN BASED ON SURVEY PROVIDED BY POINT TO POINT LAND SURVEYORS, PROJECT NUMBER 2013.207

OWNER/APPLICANT:



**8000 S. US HIGHWAY 1, SUITE 402
PORT ST. LUCIE, FL 34952
888-318-2803**

PROJECT NAME AND LOCATION:

**MOUNTAIN REST
LONG CREEK HIGHWAY
LONG CREEK, SC 29658**

PROJECT ENGINEER

MICHAEL PLAHOVINSK, P.E.
18301 STATE ROAD 161
PLAIN CITY, OHIO 43064
614-398-6250

DESIGN ENGINEER

MICHAEL PLAHOVINSK, P.E.
SOUTH CAROLINA P.E. #25539

DATE OF ISSUE

MAY 2, 2013

ISSUED FOR

ZONING PLAN

SUBMITTALS

REV.	DATE	DESCRIPTION

PROJECT NUMBER

L201303-02

DRAWN BY CHECKED APPROVED

KJM KJM RCM

APPROVING AGENCY

OCONEE COUNTY, SOUTH CAROLINA

BUILDING CODE

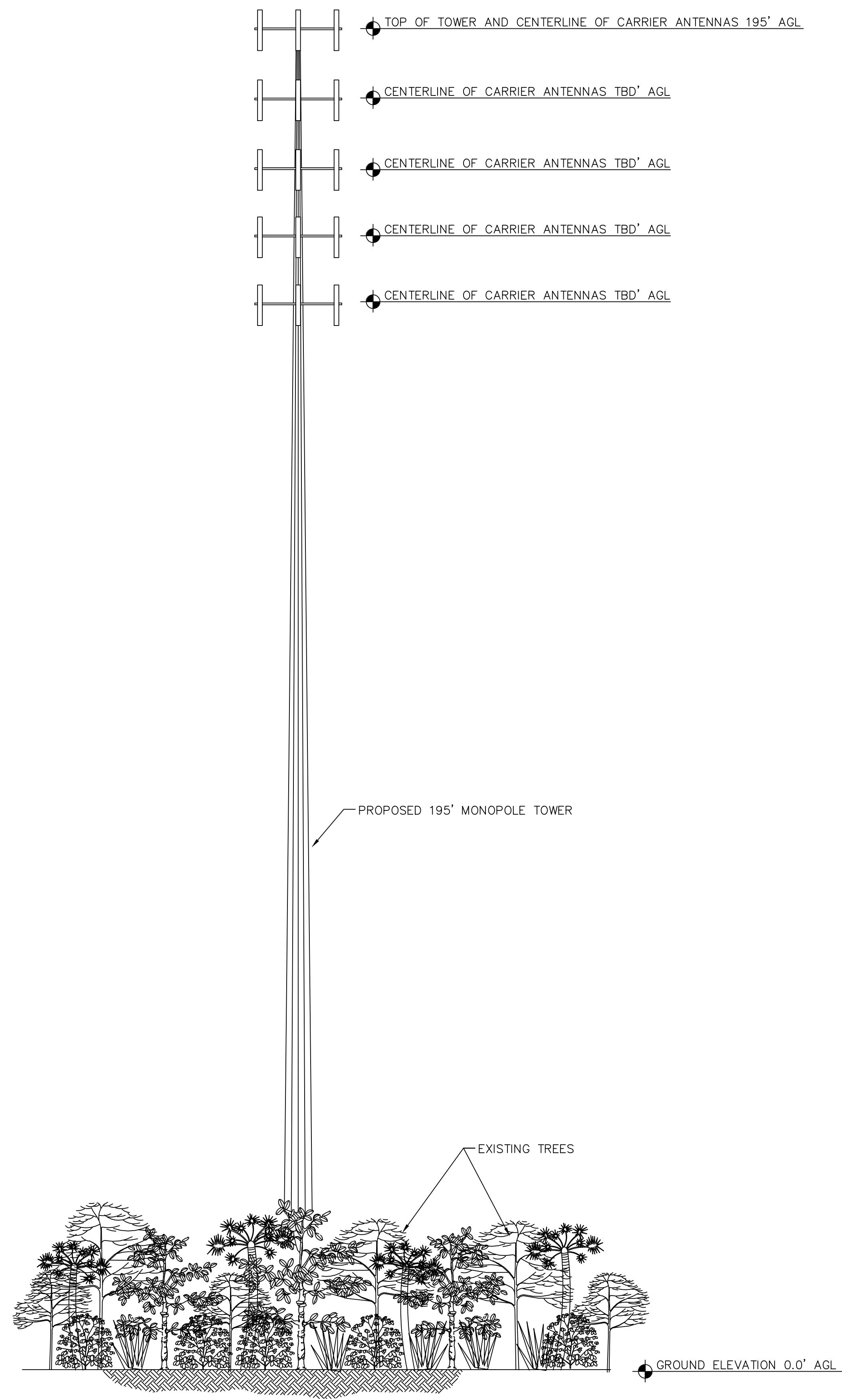
2006 INTERNATIONAL BUILDING CODE WITH SOUTH CAROLINA MODIFICATIONS

SHEET TITLE

ZONING PLAN

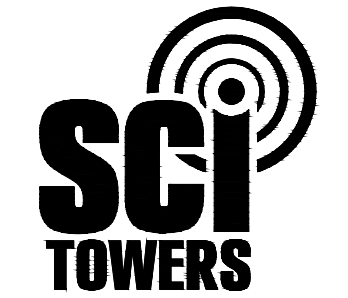
SHEET NUMBER

Z-1



TOWER ELEVATION
TOWER DESIGN BY OTHERS

OWNER/APPLICANT:



**8000 S. US HIGHWAY 1, SUITE 402
PORT ST. LUCIE, FL 34952
888-318-2803**

PROJECT NAME AND LOCATION:

**MOUNTAIN REST
LONG CREEK HIGHWAY
LONG CREEK, SC 29658**

PROJECT ENGINEER

MICHAEL PLAHOVINSAK, P.E.
18301 STATE ROAD 161
PLAIN CITY, OHIO 43064
614-398-6250

DESIGN ENGINEER

MICHAEL PLAHOVINSAK, P.E.
SOUTH CAROLINA P.E. #25539

DATE OF ISSUE

MAY 2, 2013

ISSUED FOR

ZONING PLAN

SUBMITTALS

REV.	DATE	DESCRIPTION

PROJECT NUMBER

L201303-02

DRAWN BY CHECKED APPROVED

KJM KJM RCM

APPROVING AGENCY

OCONEE COUNTY, SOUTH CAROLINA

BUILDING CODE

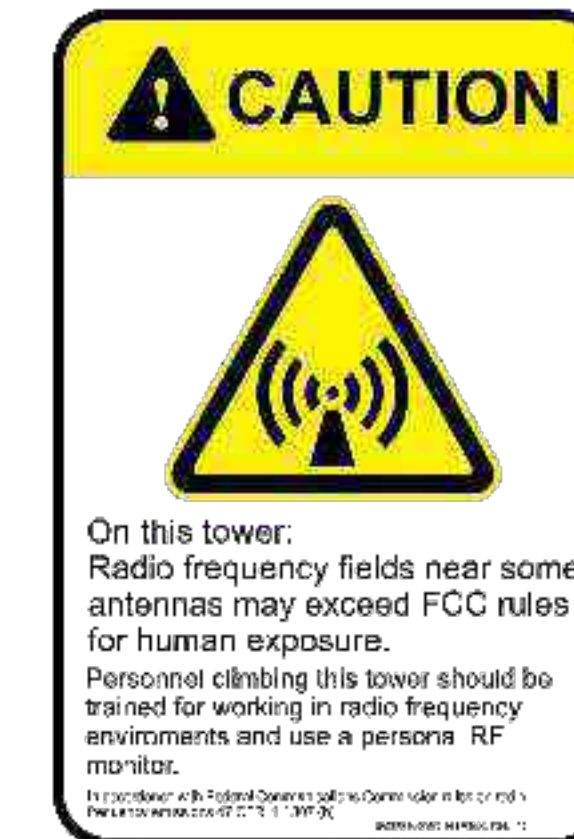
2006 INTERNATIONAL BUILDING CODE
WITH SOUTH CAROLINA MODIFICATIONS

SHEET TITLE

TOWER ELEVATION

SHEET NUMBER

Z-2



18" X 12" .040 ALUMINUM

NO TRESPASSING SIGN

RF WARNING SIGN



12" X 24" 0.063" ALUMINUM

SCI TOWERS LLC AND FCC REGISTRATION SIGN

SIGNAGE NOTES

- SIGNS SHALL BE MADE OF UV-RESISTANT SOLID PLASTIC WITH 1/4" HOLES 1/2" FROM EACH CORNER TO HANG SIGNS ON FENCE
- SIGNS SHALL BE INSTALLED AS FOLLOWS:
GATE: SCI TOWERS LLC AND FCC TOWER REGISTRATION NUMBER, NO TRESPASSING SIGN, RF WARNING SIGN
SIDES OF COMPOUND WITHOUT A GATE: NO TRESPASSING SIGN SHALL BE INSTALLED IN THE CENTER OF THESE SECTIONS OF FENCE AND SPACED NO MORE THAN 40' APART.
- SIGNS SHALL BE INSTALLED WITH CENTER AT 5' ABOVE FINISHED GRADE.

OWNER/APPLICANT:



8000 S. US HIGHWAY 1, SUITE 402
PORT ST. LUCIE, FL 34952
888-318-2803

PROJECT NAME AND LOCATION:

**MOUNTAIN REST
LONG CREEK HIGHWAY
LONG CREEK, SC 29658**

PROJECT ENGINEER

MICHAEL PLAHOVINSAK, P.E.
18301 STATE ROAD 161
PLAIN CITY, OHIO 43064
614-398-6250

DESIGN ENGINEER

MICHAEL PLAHOVINSAK, P.E.
SOUTH CAROLINA P.E. #25539

DATE OF ISSUE

MAY 2, 2013

ISSUED FOR

ZONING PLAN

SUBMITTALS

REV.	DATE	DESCRIPTION

PROJECT NUMBER

L201303-02

DRAWN BY CHECKED APPROVED

KJM KJM RCM

APPROVING AGENCY

OCONEE COUNTY, SOUTH CAROLINA

BUILDING CODE

2006 INTERNATIONAL BUILDING CODE
WITH SOUTH CAROLINA MODIFICATIONS

SHEET TITLE

SIGNAGE DETAILS

SHEET NUMBER

Z-3

ATTACHMENT 2



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76137

Aeronautical Study No.
2013-ASO-1928-OE

Issued Date: 04/15/2013

Lee Chapman
SCI Towers
8000 South US Highway One
Suite 402
Port St Lucie, FL 34952

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower - Mountain Rest
Location: Long Creek, SC
Latitude: 34-48-31.10N NAD 83
Longitude: 83-16-44.60W
Heights: 1759 feet site elevation (SE)
199 feet above ground level (AGL)
1958 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
 Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 10/15/2014 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (781) 238-7522. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2013-ASO-1928-OE.

Signature Control No: 185512278-187579588

(DNE)

Suzanne Dempsey
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2013-ASO-1928-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

ATTACHMENT 3

To: Josh Stephens
Zoning Administrator
Oconee County Community Development
415 S. Pine Street
Walhalla, SC 29691

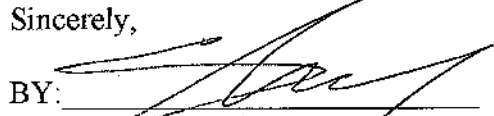
From: Craig F. Blaney
PO Box 1405
Davidson, NC 28036

RE: Zoning and Permit filings for SCI Towers proposed communication tower on
Parcel ID# 113-00-02-014

Dear Mr. Stephens,

I, Craig F. Blaney, hereby give SCI Towers, LLC, it's member David Herring, and it's attorney's authorization to act as my agent to sign for all building and zoning applications required, and to represent this project at any required public hearing in order to obtain the necessary approvals for the above referenced project.

Sincerely,

BY: 
Craig F. Blaney

Date: April 23, 2013

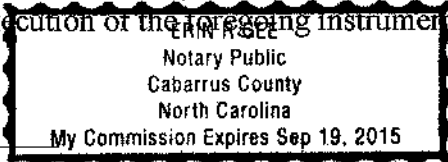
STATE OF NORTH CAROLINA

COUNTY OF mecklenburg

I, Erin R. Gee, a notary public, do hereby certify that Craig F Blaney personally appeared before me this day and acknowledged the due execution of the foregoing instrument.


Notary Public

Print Name: Erin R Gee



NOTARY STAMP:

My commission expires Sept. 19, 2015

ATTACHMENT 4



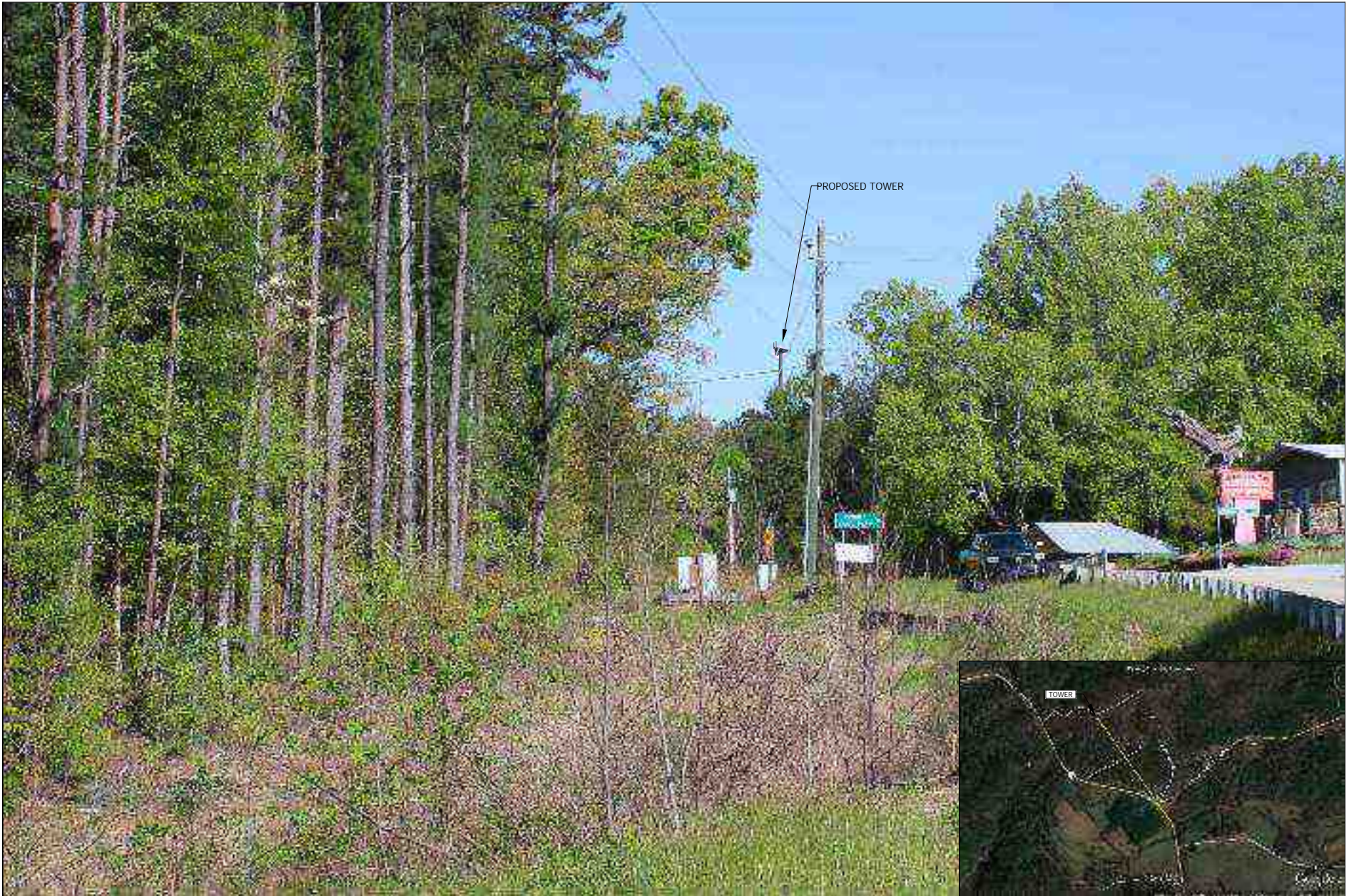
LONG CREEK HIGHWAY AND HUNICUTT DRIVE, LOOKING NORTHWEST, 2600' FROM PROPOSED TOWER

AERIAL VIEW, 2600' FROM PROPOSED TOWER

SCI MOUNTAIN REST, LONG CREEK ROAD, LONG CREEK, SC
 PROPOSED COMMUNICATIONS TOWER
 PHOTO SIMULATION



8000 S. US HIGHWAY 1, SUITE 402
 PORT ST. LUCIE, FL 34952
 888-318-2803



LONG CREEK HIGHWAY, LOOKING NORTHWEST, 1750' FROM PROPOSED TOWER

AERIAL VIEW, 1750' FROM PROPOSED TOWER

SCI MOUNTAIN REST, LONG CREEK ROAD, LONG CREEK, SC
 PROPOSED COMMUNICATIONS TOWER
 PHOTO SIMULATION



8000 S. US HIGHWAY 1, SUITE 402
 PORT ST. LUCIE, FL 34952
 888-318-2803



LAUREL SPRINGS ROAD, LOOKING NORTHWEST, 3100' FROM PROPOSED TOWER

AERIAL VIEW, 3100' FROM PROPOSED TOWER

SCI MOUNTAIN REST, LONG CREEK ROAD, LONG CREEK, SC
 PROPOSED COMMUNICATIONS TOWER
 PHOTO SIMULATION



8000 S. US HIGHWAY 1, SUITE 402
 PORT ST. LUCIE, FL 34952
 888-318-2803



feet
meters



DISTANCES FROM PROPOSED TOWER:

- 1 - 1,743'
- 2 - 899'
- 3 - 1,341'
- 4 - 691'
- 5 - 2,051'
- 6 - 1,385'
- 7 - 750'

LOCATION 1



LOCATION 2



LOCATION 3



LOCATION 4



LOCATION 5



LOCATION 6



LOCATION 7



ATTACHMENT 4

ATTACHMENT 5

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Howard S. Newman Bateman, Gordon & Sands, Inc. P.O. Box 1270 Pompano Beach, FL 33061	CONTACT NAME: PHONE (A/C, No, Ext): 954 941-0900 FAX (A/C, No): 954 941-2006 E-MAIL ADDRESS: Ecastillo@BGSAgency.com	
	INSURER(S) AFFORDING COVERAGE NAIC # INSURER A : Hanover Insurance Company	
INSURED SCI towers, LLC 8000 S. US Hwy 1 Ste 402 Port St. Lucie, FL 34952	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			B1243007251	04/30/2012	04/30/2013	EACH OCCURRENCE \$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$10,000
							PERSONAL & ADV INJURY \$1,000,000
							GENERAL AGGREGATE \$2,000,000
							PRODUCTS - COMP/OP AGG \$2,000,000
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR		B1243007251	04/30/2012	04/30/2013	EACH OCCURRENCE \$1,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$1,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 0						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A				E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

PROOF OF INSURANCE ONLY	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

Oconee County Planning Department



415 S. Pine Street
Walhalla, SC 29691
Telephone (864)638-4218 Fax (864)638-4168

NOTICE OF PUBLIC HEARING

This notice is to all owners of properties adjacent to parcels located at:
Tax Map # 113-00-02-014, along Long Creek Hwy.

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, May 30, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, SCI Towers is requesting a Special Exception to construct a communication tower at the above mentioned locations and is requesting a Variance from the setback standards set forth in Oconee County Unified Performance Standards Sec. 32-134 (m). If you would like additional information concerning this request, please contact the Planning Department at 864-638-4218.

A copy of the application is available for public viewing in the Oconee County Planning Department (Telephone 864-638-4218).

Oconee County Board of Zoning Appeals



415 S. Pine Street
Walhalla, SC 29691
Telephone (864)638-4218 Fax (864)638-4168

.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE
OF YOUR NEWSPAPER**

TO: DAILY JOURNAL [classadmgr@dailyjm.com]

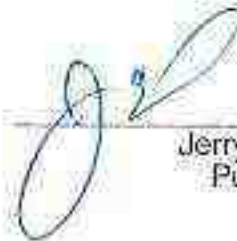
The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, May 30, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, SCI Towers, is requesting to construct a communication tower located along Long Creek Hwy on parcel 113-00-02-014. If you would like additional information concerning these requests, please contact the Planning Department at 864-638-4218.

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**


**IN RE: Oconee County Planning Commission
Board of Zoning Appeals - May 30, 2013
Applicant - SCI Towers**

BEFORE ME the undersigned, a Notary Public for the State and County above named, this day personally came before me, Jerry Edwards, who being first duly sworn according to law, says that he is the Publisher of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said paper on May 7, 2013 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Jerry Edwards
Publisher

Subscribed and sworn to before me this
7th day of May A.D. 2013


Jennifer A. White
Notary Public for South Carolina
My Commission Expires: 05/18/2014



Chattooga Conservancy
8 Sequoia Hills Lane
Clayton, Georgia 30525
706.782.6097
info@chattoogariver.org

Josh Stephens, Zoning Administrator
Oconee County Community Development
415 South Pine Street
Walhalla, SC 29691

Dear Mr. Stephens,

This letter is to provide comments regarding SCI Towers' proposal to construct a cell tower in Long Creek, SC, near Highway 76 and the National Wild & Scenic Chattooga River Corridor. I am submitting these comments on behalf of the Chattooga Conservancy, and also as a resident of Oconee County, S.C., and as an individual with over 15 years' employment with the commercial whitewater and photography businesses on the Chattooga River.

- The proposed cell tower on Wolf Mountain is only 1/3 mile from the Chattooga Wild & Scenic River Corridor, and would **spoil scenic views** in the area including views from the Thrift's Ferry primitive campground, Chattooga Belle Farm, Chattooga Ridge Road, along Highway 76 in Long Creek.
- The proposed cell tower site is within 5 times the statutory set-backs from neighboring private properties, in **blatant disregard for the adjoining landowners' private property rights** including preservation of their property values, scenic view sheds, future development plans, and future prospects for selling their property (Federal Housing Administration loans will be denied if the cell tower exceeds set-back limits required by local ordinances). Numerous recent studies show that proximity to a cell tower will lower property values by 15% to 40%.
- The proposed cell tower would spoil the magnificent, sweeping views of the Blue Ridge Mountains that are visible from many locations in Long Creek, and particularly from thriving commercial establishments such as the Chattooga Belle Farm. This would have the effect of **lowering revenues** in Long Creek, which is a tourism and agribusiness based economy, and consequently for Oconee County.
- **Statutory requirements for analyzing visual impacts to neighboring residences were not followed.** For example, please reference an image taken from an adjoining landowner's residence during SCI's "balloon test," which shows an unobstructed view of the balloon as well as its tether and pennant banner. Close examination of this image as well as an image in the "balloon test" indicates that the twine was snagged in nearby trees, and did not reach its full height.

- The cell tower proposed on Wolf Mountain would **not significantly improve wireless coverage in the Chattooga Wild & Scenic Corridor**. And importantly, an historical evaluation of the fatalities on the river shows that none would have been prevented by access to wireless services.
- **Demand for technological / wireless services is incompatible with congressional guidelines for the Chattooga National Wild & Scenic River Corridor**. These guidelines set a standard to set aside wild places where management should emphasize an experience that includes challenge, risk, adventure and solitude.
- The Oconee County Comprehensive Plan states that the Natural Resource Objectives for the future are to **preserve, protect and enhance Oconee County's unique scenic views**. The location of the proposed cell tower would violate this objective in the county's plan.

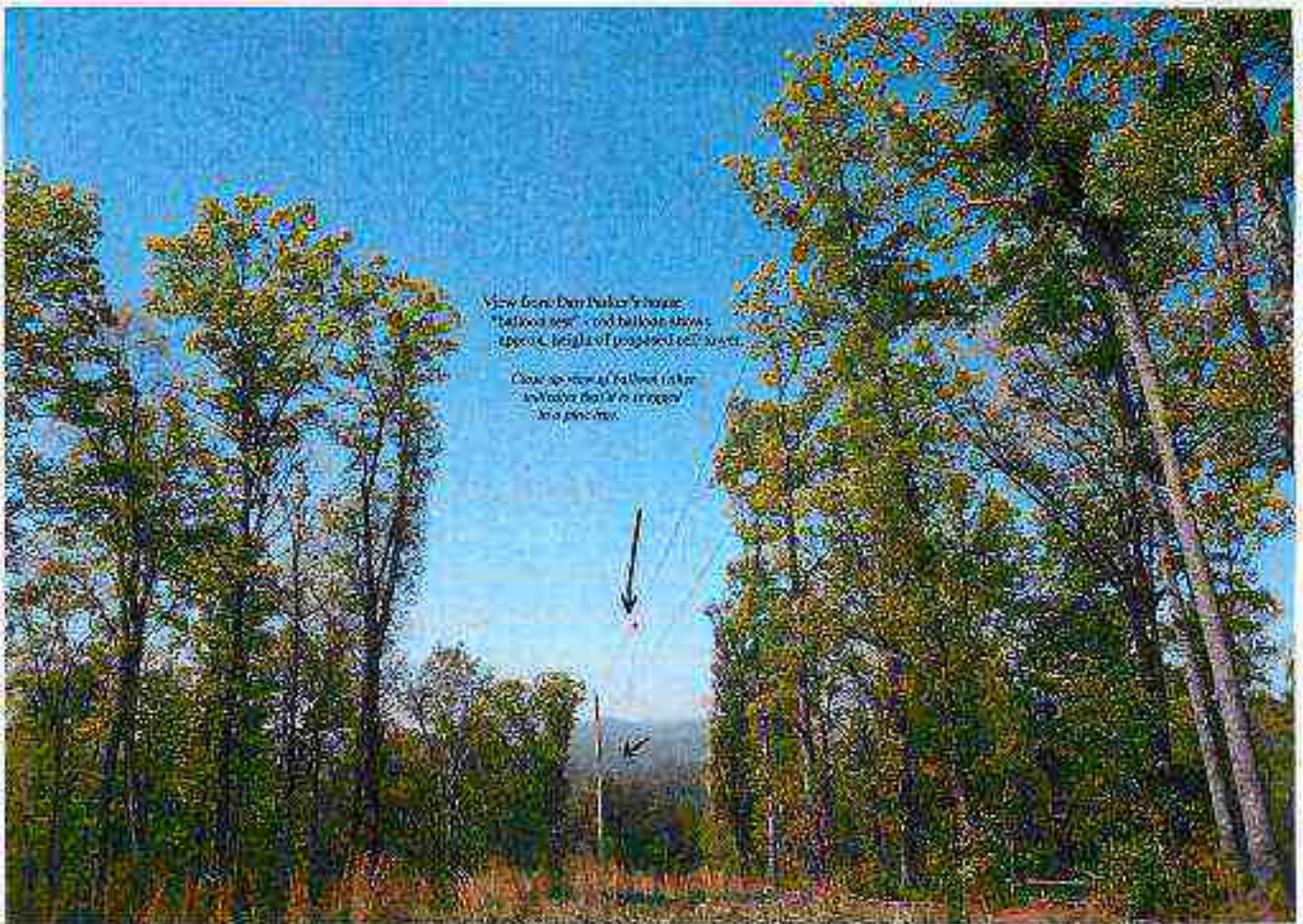
As an Oconee County resident and the director of the Chattooga Conservancy, I urge Oconee County Planning and Zoning officials to carefully consider the negative effects to unique scenic vistas, private property rights, and our county's economic vitality that would occur from constructing a cell tower on Wolf Mountain, and to reject SCI Towers' application.

Sincerely,



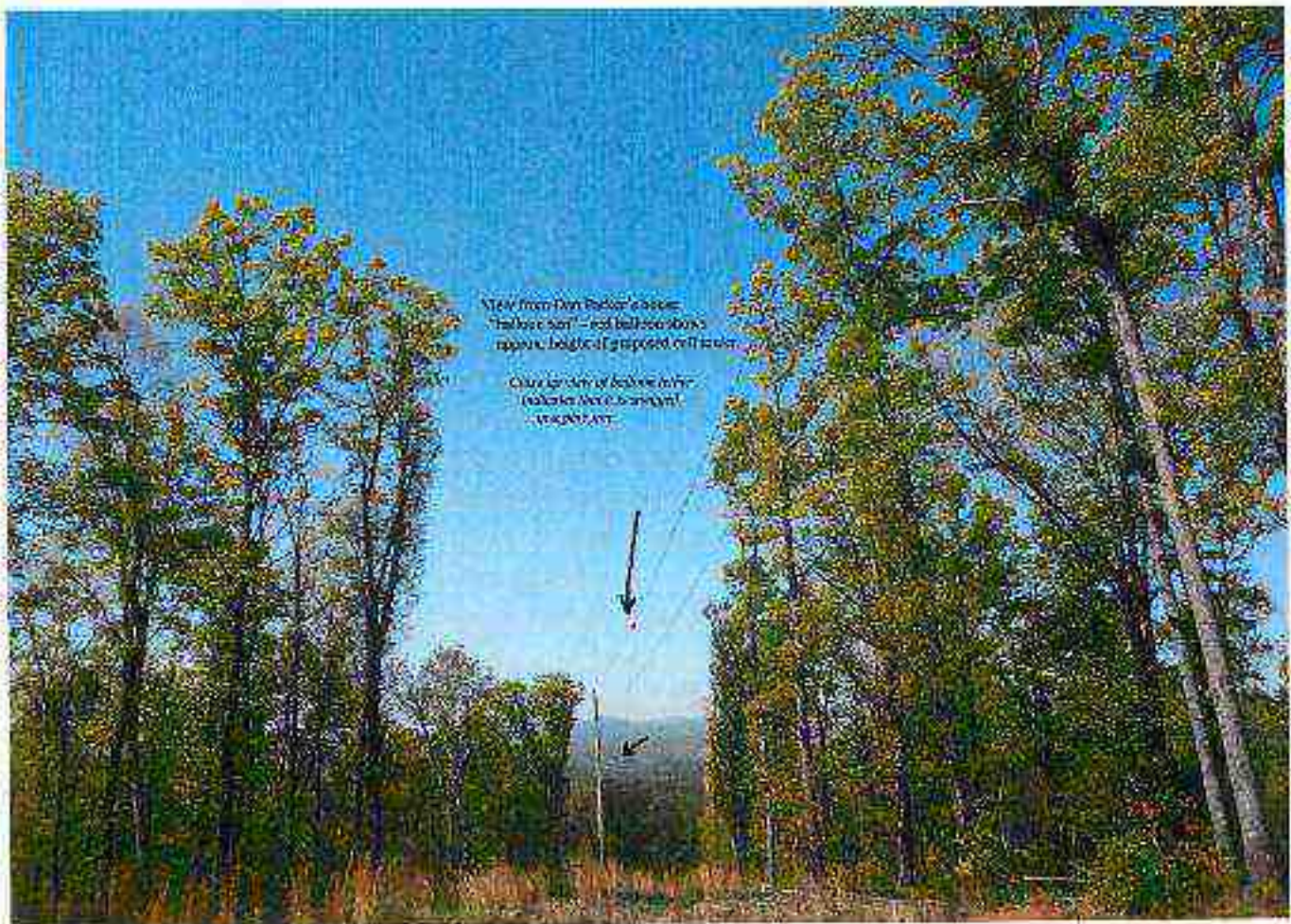
Nicole Hayler

190 Mountain Cove Road
Mountain Rest, SC 29664
864.647.4266



View from Don Baker's house
"balloon test" - red balloon shows
approx. height of proposed cell tower.

Close up view of balloon in air
and tower that it is approx.
in a picture.



View from Don Baker's house
"balloon test" - red balloon shows
approx. height of proposed cell tower.

Close up view of balloon in the
"balloon test" is approx.
in a picture.

Dan M. Parker
PO Box 134
Long Creek, SC 29658

Oconee County Community Development
415 South Pine Street
Walhalla, SC 29691

May 22, 2013

Dear Board Members,

This letter is in regards to Project Number L20 1303 02, the tower application from SCI Towers that requests a code variance. I would like to go on record as strongly objecting to the proposed location of the tower and the granting of a variance that would allow it.

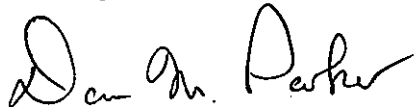
For thirty-two years I have owned property and a home adjacent to the northwest corner of the proposed tower location. SCI has applied for a variance to the existing county code requiring a 245-foot distance from any property line. If granted, the variance would allow the proposed tower to be placed 51 feet from my property line, with a fence approximately 20 feet from the line.

In their request to reduce the existing set back requirements they state that the location will not impact the future usability of the property the tower will be installed on. However, this placement would severely impact the existing and future usage of the adjacent properties.


I am requesting that SCI be compelled to comply with the existing county set back requirements. This would ensure that the tower would have significantly less impact on the adjacent property owners' property values, as well as the aesthetic values.

I look forward to the Board meeting on May 30, 2013 and hope I can personally address my many concerns to you about the proposed placement of this tower.

Thank you in advance for your time and consideration,



Dan M. Parker



Dear Ladies and Gentlemen of the Board of Zoning Appeals,

My name is Geoff Doolittle and I own Tax Map #113-00-02-017. There is a planned construction of a cell phone tower on Tax Map #113-00-02-014. The proposed site for the 195 foot cell phone tower is 89 feet from my property line.

The purpose of this letter is to notify the individuals that will be making the decision on the Special Exception that would allow a Variance to the 245 foot setback from my property, that I oppose the construction of the cell phone tower. Currently, there is not a residential structure on my property, but there has been a well dug, clearing and excavation done, and a septic tank in place for the house that will be constructed in the future. The proximity of the cell phone tower will have a major impact on the quality of my house site.

I plan to attend the public meeting on May 30, 2013, and if possible, would appreciate a chance to address the board with my concerns.



Sincerely

Geoff Doolittle



Josh Stephens, Zoning Administrator
Oconee County Community Development
415 South Pine Street
Walhalla, SC 29691

Re: SCI TOWERS COMMUNICATION TOWER APPLICATION FOR TAX MAP# 113-00-02-014 (Project No L201303-02)

Dear Mr. Stephens,

This letter is being sent to provide comments related to the SCI Towers, LLC (Applicant) proposal to construct a cell tower in Long Creek, SC near Highway 76. Specifically, comments are related to Item Number 12 in the applicant's proposal (application):

"... based on land availability this location is as close as we can get to the Chattooga River. One of the vital services this tower will provide will be the ability to utilize wireless communication devices in the event of an emergency along the river. If we were required to utilize a stealth design the wireless services would be ineffective along the river."

The applicant has not provided any evidence that the tower would provide vital services to river users in the event of an emergency. As an Oconee County native and a commercial Chattooga River guide for eight years, I participated in several river emergencies and disagree with the applicant's statement.

Examples that would suggest the opposite of the applicant's claim are listed below:

- Rising water levels sometimes rapidly exceed the Forest Service threshold during commercial trips, creating the need to evacuate from the river. We were at Woodall Shoals and on another trip, Camp Creek...on both occasions a guide was able to get cell phone service at both locations to call our rafting outpost to provide transportation for our trip. I have personally received cell service at other locations near the Chattooga River (carrier: Verizon).
- During several incidents, our trip was able to make cell phone contact with the rafting outpost and emergency services to provide the injured person with transportation from the evacuation point (Bull Sluice, Beaver Skull, Raven's Cliff trail, Tugaloo Lake Ramp) to medical facilities.
- The tower's proposed location is only two miles closer to the river than the existing nearest tower. I have seen no evidence that better coverage would be provided to remote areas such as the Tugaloo Lake and Five Falls area, or otherwise increase coverage effectiveness along the most remote areas of the river corridor occurring upstream and downstream of Highway 76.
- The fatalities that have occurred on the river historically could not have been prevented by cell phone service (e.g., heart attacks, broken spinal cord/drowning, entrapment, and flush drowning). These fatalities generally occur within a matter of seconds or minutes.
- The applicant does not list any other vital services that the cell phone tower would provide.

Clearly the above examples show that river users have had the ability to utilize wireless communication devices in the event of previous emergencies at several locations. It should further be understood that an emergency can happen anywhere along the river. However, due to limited road access, there are few access/evacuation points. It takes time to stabilize the victim on the river, transport them by raft and

carry them up the evacuation trail to a road. In my previous experience, increased cell phone coverage would have done nothing to change the evacuation actions that occurred when a river user was injured.

I am of course not fundamentally opposed to increased cell phone coverage that would enhance transportation efforts in “emergencies” or events where a river user is injured or has deceased. However, the applicant has not provided any evidence the tower would: (1) increase coverage in areas it is not already provided, and (2) affect the outcome of an emergency along the river. In addition, the Chattooga River is protected by the Wild and Scenic Rivers Act, which protects it from development that may detract from its “wild” nature. River users appreciate and seek out the remote environment that the Chattooga River is designated to provide. Inherently, they also agree to the responsibility and the constraints that come with experiencing such an undeveloped remote environment.

I urge the Oconee County Planning Commission to disregard the quoted applicant’s statement and to not consider it a factor in accepting the application. In addition, I urge the Development Office to consider Item Number 8, in which the applicant states they do not meet setback requirements from surrounding property lines at the proposed project location. The applicant seems to have more consideration for the view of passing cars than property owners who would view the tower on a daily basis. In their variance request, the applicant also seems to suggest the Commission should consider their future development plans, which are not part of their application. Thank you for considering my comments before making a decision to accept the applicant’s proposal.

Sincerely,

April McEwen
221 Chattooga Lake Rd.
Mountain Rest, SC 29664

THOMAS STULTS

Post Office Box 131
Long Creek SC 29658

May 20, 2013

Josh Stephens
Zoning Administrator
Oconee County Community Development
415 S. Pine Street
Walhalla SC 29691

Dear Mr. Stephens,

Please accept this letter in opposition to the proposed construction of a cellular communications tower along Long Creek Highway, specifically on a parcel of land identified by tax map number 113-00-02-014.

There are numerous reasons that this tower should not be allowed to be erected.

First and foremost, as mentioned in SCI Towers Mr. David Herring's letter dated May 2, the required setbacks from all property lines are not fulfilled. This problem is addressed by SCI by the statement that in order to meet the required setbacks "we would impact the future usability of the property for future development". The impact on the contiguous landowner's properties, their peace of mind, or their "usability of property for future development" is not taken into consideration. Oconee County should not issue a variance for the benefit of one landowner which would create a detrimental effect for the neighboring landowners.

Second, contrary to the assertion in Mr. Herring's letter, the proposed tower is not needed to aid with wireless communications on the river should an emergency arise. I have been a volunteer firefighter with Long Creek Fire Department for nearly twenty years. I am aware of the difficulties with communications in this part of the County, yet at the same time, I am completely aware of the resources that Oconee County Emergency Services has at its disposal. During last year's recovery of a drowning victim, OCES and the Oconee County Sheriff's Office placed their mobile command post at Damascus

Church and radio communications were possible from the command staff at Long Creek Fire Department to the operations team located in the Five Falls area of the river. This scenario could be implemented at virtually any part of the Chattooga River

Third, the visual impact analysis as provided by SCI Towers is at best lacking, at worst fraudulent. There are numerous instances of the tower at its proposed location being an immediate eyesore, which will become only worse with the onset of autumn and the lack of foliage to mask the visual affront of the tower.

Finally, is that the Chattooga National Wild and Scenic River should not be subject to this encroachment of private development. The Chattooga River is a huge resource to all of Oconee County as well as the entirety of the United States. The Chattooga attracts tens of thousands of visitors to Oconee County who bring with them a large economic impact. The Chattooga River was protected by an act of Congress which was signed into law by the President. Surely Oconee County can do its part to protect this resource and deny this reckless application.

Respectfully Submitted,

Thomas Stults



MOUNTAIN LAKES
CONVENTION & VISITORS BUREAU
Oconee County - SC

May 20, 2013

Josh Stephens
Oconee Planning Dept.
415 S. Pine St.
Walhalla, SC 29691

Subject: Cell tower in Long Creek

Dear Mr. Stephens,

It is my understanding that Oconee County is in the process of considering the construction of a cell tower in Long Creek. As the President and CEO of the Mountain Lakes Convention & Visitors Bureau, I have the distinct privilege of managing the second largest industry in Oconee County, tourism, which is an industry that is growing exponentially due to tourists world wide who have a strong desire to experience one of the "50 Last Great Places in the World", according to National Geographic. They refer to our natural resources as the "Destination of a Lifetime". We achieved that prestigious recognition, not because of our own accord, but simply due to the fact that we are indeed an environment of minimal man made disruption to our natural environment largely due to our residents who have done a phenomenal job of protecting it.

The location that is being considered for this cell tower will essentially distort this recognition and all of our years of protective conservation by placing a tower in the very center on one of our most precious of all views and experiences and will, in my professional opinion, ruin the integrity of this particular environment forever.

I want to be very clear that I am very much opposed to this location for obvious reasons. To that end, I am asking that you strongly consider the negative natural and economic impact this will have on our tourism industry and find a location that is far less destructive to our tourism industry.

Thank you for your consideration.

Kind regards,

Ken Sloan
President & CEO
Mountain Lakes CVB

Josh Stephens

From: Chattooga Belle Farm <info@chattoogabellefarm.com>
Sent: Tuesday, May 14, 2013 10:40 AM
To: Josh Stephens
Subject: Cell Tower on Wolf Mountain

Mr. Stephens,

Chattooga Belle Farm, in Long Creek, SC is a growing and thriving agritourism business which can bring over a thousand visitors a month to Oconee County to enjoy the beauty of the area, while enjoying the opportunity to pick fruit, eat lunch at our bistro, or attend a loved one's wedding. Only open three years, we have forty weddings booked this year. The average number of guests per wedding is around 200. One of the reasons it is such a gem is the sweeping views of the Blue Ridge Mountains, which are the backdrop to the rolling hills of orchards, vineyards and berry patches. This beauty of Oconee County and beyond is what draws visitors to Long Creek and the surrounding area.

Unfortunately, there is a proposal to place a cell tower on Wolf Mountain, which is directly north of Chattooga Belle Farm, right smack in the middle of the view shed that draws so many visitors to Oconee County. This cell tower will be a disappointing hindrance to the view that so many come to enjoy. Not only will it be bad for our business, but tourism for the county will be significantly affected.

We cannot express how strongly we oppose this placement of the cell tower and want to communicate that in this email and at the meeting May 30, where it will be discussed. We wish to seek out any opportunity we can to oppose this proposal. People come to Long Creek and Oconee County for the beauty, not for the convenience of cell service.

Ed Land

Chattooga Belle Farm
454 Damascus Church Road
Long Creek, SC 29658

864.647.9768

www.ChattoogaBelleFarm.com

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ARTICLE IV. - COMMUNICATION TOWERS

[ARTICLE IV. - COMMUNICATION TOWERS ¹⁴¹](#)

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Sec. 32-131. - Authority of article provisions.

The authority to regulate communication towers in the county is pursuant to S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 1999-14, § 4.1, 4-4-2000)

Sec. 32-132. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural districts means those areas that are comprised primarily of farms, forested areas, or other areas that are undeveloped, not platted for development, and are otherwise not occupied by residential, commercial, and industrial uses.

Antenna means a device, dish or array used to transmit or receive telecommunications signals.

Board means the county zoning board of appeals.

Commercial districts means those areas that are comprised primarily of business and commercial uses including, but not limited to, retail and wholesale establishments, offices, service providers, public buildings, service stations, shopping centers, restaurants, fast food establishments, etc.

Communication tower means a tower, pole, or similar structure which supports or performs as a telecommunications antenna operated for commercial purposes above the ground in a fixed location, freestanding, guyed, or on a building.

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Height (of a communication tower) means the distance from the base of the communication tower to the top of the communication tower.

Industrial districts means those areas that are in use as or platted for use for industrial plants, factories, warehouses, public utilities, waste treatment facilities, solid waste facilities and ancillary uses such as parking lots, shipping facilities, depots and the like.

Performance standards means performance zoning as authorized by S.C. Code 1976, § 6-29-720(C) et seq.

Residential districts means those areas of the county that are:

- (1) Predominantly residential in nature consisting of single-family or multifamily housing, residential subdivisions, residential manufactured housing units, or uses ancillary to residential uses such as churches, schools, neighborhood parks, neighborhood swimming pools etc.;
- (2) Platted for the future development of residential uses; or
- (3) Areas identified in the county comprehensive plan as future primary population areas.

Stealth tower means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

Telecommunications (as defined in the Federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(Ord. No. 1999-14, § 4.2, 4-4-2000)

Cross reference— Definitions generally, § 1-2.

Sec. 32-133. - Communications tower and antenna permitted.

- (a) *Determination by planning director.* All applications for tower placement must be submitted to the county planning director for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the planning director may administratively approve applications for placement of towers:
- (1) As a communication tower and/or antenna in any district co-located on existing towers or structures.
 - (2) As co-locations, reconstruction or new construction in any district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).
 - (3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
 - (4) As stealth towers in any district designed and installed in such a way so as not to detract from or conflict with surrounding uses.
 - (5) As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study.

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Applications approved by the planning director must comply with all other requirements of this article. The planning director may refer any application to the board for final review and approval as a special exception.

- (b) *Special exceptions granted by the board.* Communication towers are permitted in the county for use only as a special exception. Applications for tower construction as are subject to review and approval by the board. Priority in approving additional telecommunications facilities in the county shall be given to:
- (1) Co-location on existing towers or structures, including electric utility company transmission line towers;
 - (2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers;
 - (3) New construction meeting the requirements of this article and proposed for location at a preselected site based upon the county's county-wide communication tower site study.

Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the county, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.'s) in the southeast, shall other sites be considered for approval. Towers approved by the board in residential districts shall be constructed as stealth designs. Towers in other districts may, at the discretion of the board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. Under no circumstances are communication towers permitted in locally designated historic districts. Under no circumstances may communication towers be built within 1,000 feet of the right-of-way of Scenic U.S. Highway 11.

- (c) *Appeals to the board.* Whenever there is an alleged error by the planning director in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the planning director.
- (d) *Time limit for determination.* Failure of the planning director to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.
- (e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in [section 32-136](#). All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The county, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(Ord. No. 1999-14, § 4.3, 4-4-2000)

Sec. 32-134. - General requirements.

- (a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).

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- (b) *Color.* Communication towers shall only be painted with a gray, nonreflective paint unless otherwise required by state or federal regulations.
- (c) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.
- (d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the county within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.
- (e) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
- (f) *Screening.* The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the planning director to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the planning director may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the county codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the county a form of surety satisfactory to the county attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the planning director or designee). The form of the surety shall be in conformity with the land development regulations for the county. All required planting must be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the county. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.
- (g) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
- (h) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the board that the owner has a verifiable history of satisfactory communications tower construction and operation.
- (i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.

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- (j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (k) *Distance between towers.* A proposed communication tower shall not be permitted within 1,300 feet of an existing communication tower unless the applicant certifies to the board that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (l) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.
- (m) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:
 - (1) All lot lines of residential or commercial property.
 - (2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county.
 - (3) Properties or districts designated historic.
 - (4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower in [section 32-132](#) may be permitted by special exception on these properties.
 - (5) The right-of-way of all streets and roads.

All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

(Ord. No. 2001-14, § 1, 7-10-2001)

Sec. 32-135. - Additional requirements for location near the county airport.

- (a) With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in [chapter 14](#) of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications towers located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runways as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, and red lights during nighttime hours.
- (b) A copy of any plans whereby a communication tower will be located within such 12,000 feet area shall be provided by the applicant to the county airport manager and the county planning director for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the planning director and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the planning director that the proposed communications tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that a finding of no hazard to air navigation has been determined.

(Ord. No. 1999-14, § 4.5, 4-4-2000)

Sec. 32-136. - Maximum height of freestanding communication towers.

The maximum height of freestanding communication towers shall be as follows:

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District	Maximum Height
Residential	Not exceeding 175 feet
Commercial	Not exceeding 200 feet
Industrial/agricultural	Not exceeding 250 feet

(Ord. No. 1999-14, § 4.6, 4-4-2000)

Sec. 32-137. - Permitted height of building-mounted communication towers.

A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

(Ord. No. 1999-14, § 4.7, 4-4-2000)

Sec. 32-138. - Application requirements.

The following information shall be submitted for all applications for approval of a communication tower:

- (1) *Specifications.* Two copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.
- (3) *Location map.* Two copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the county are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.
- (4) *Owner authorization.* Written authorization from the site owner for the application.
- (5) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts.
- (6) *Alternative to co-location or stealth design.* Co-located or stealth designs shall be required unless satisfactory documented evidence can be provided indicating that:

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- a. The proposed antenna and equipment cannot be accommodated and function as required;
 - b. The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and
 - c. The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under [section 32-133\(b\)](#) for priority of approval and the applicant has demonstrated that for the reasons described in [section 32-133\(b\)](#) that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.
- (7) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the planning director a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county, in a form approved by the county attorney.
- (8) *Application fees.* All communication tower applications shall include a check made out to the county treasurer in an amount to be determined by the planning director, based upon a schedule of fees enacted by the county council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(Ord. No. 1999-14, § 4.8, 4-4-2000)

Sec. 32-139. - Special exceptions, variances and appeals.

- (a) *Special exception.* Communications towers are permitted in the county only by special exception, approved by the board, within the criteria of the performance standards ordinance. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised in a newspaper of general circulation in the county at least 15 days in advance of the hearing.
- (b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the performance standards ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in article I of this chapter. Special exceptions and variances, may be applied for simultaneously and considered by the board simultaneously.
- (c) *Appeals.* Applications for appeal shall be submitted through the planning director to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the planning director in not granting approval to the original application. A copy shall be provided for each board member and the planning director, and other copies as may be required by the planning director. Appeals shall be heard by the board within 45 days of submission of the completed application to the planning director.

(Ord. No. 1999-14, § 4.9, 4-4-2000)

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Sec. 32-140. - Additional criteria for evaluating special exceptions and variances.

- (a) *Application; conditions.* All application requirements imposed by [section 32-138](#) must be met.
- (b) *Setback requirements; additional conditions.* The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.
- (c) *Residential service area.* If location in a residential district has been requested, the applicant must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
- (d) *Preferred locations in residential districts.* In the unusual circumstance the board shall grant a special exception and permit the location of a communications tower in a residential district, the communication tower shall not be located on a parcel occupied by a residential structure. Preferred locations may include, but are not limited to, schools, churches, and public utilities.
- (e) *Greenspaces.* If location in a residential district has been requested, the tower shall not be located on land designated for public recreational uses on the county land use plan.
- (f) *Priority of approval.* If a location is requested which does not meet the requirements under [section 32-133\(b\)](#) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in [section 32-133\(b\)](#) have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.
- (g) *Denial on substantial evidence.* The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.

(Ord. No. 1999-14, § 4.10, 4-4-2000)

Sec. 32-141. - Annual report required.

All companies that operate or maintain ownership of communication towers in the county shall submit an annual report to the county planning department no later than January 15 of each year. The report shall include a description of all of its active and inactive facilities located in the county, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

(Ord. No. 1999-14, § 4.11, 4-4-2000)

Sec. 32-142. - Technical assistance required.

The planning director (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The planning director shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the county finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. No. 1999-14, § 4.12, 4-4-2000)

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Secs. 32-143—32-170. - Reserved.

FOOTNOTE(S):

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Cross reference— Utilities, ch. 34. [\(Back\)](#)