

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 21-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, AMENDING CHAPTER 17 BY CREATING SECTION 17.50.080
TITLED CONDITIONAL USE PERMITS FOR TELECOMMUNICATION
TOWERS

WHEREAS, the City of Valdez finds that telecommunication towers are necessary to provide the public with access to telecommunication services; and

WHEREAS, the City of Valdez finds that telecommunication towers often require a height above the restriction of 35 feet for structures in many zoning districts; and

WHEREAS, the City of Valdez finds it necessary to standardize and streamline the issuance of permits for telecommunication towers throughout the city so that structural safety and aesthetic concerns can be addressed; and

WHEREAS, Title 17.50.080 shall establish a procedure for permitting telecommunication towers with a height above 35 feet in the City of Valdez.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that the following amendment is made to Chapter 17.50 of the Valdez Municipal Code.

Section 1. Section 17.50.080 is hereby created to read as follows:

**Chapter 17.50
CONDITIONAL USES**

Sections:

- 17.50.010 Generally.**
- 17.50.020 Criteria to be considered.**
- 17.50.030 Applications—Requirements.**
- 17.50.040 Gravel extraction as a conditional use.**
- 17.50.050 Applications—Processing.**
- 17.50.060 Standards for planned unit developments.**
- 17.50.070 Child care centers as a conditional use.**
- 17.50.080 Conditional use permit for telecommunication towers.**

17.50.080 Conditional use permit for telecommunication towers.

- A. A conditional use permit is required for the construction of communication towers exceeding thirty five feet in height within all zoning districts of the city. The planning and zoning commission may grant a conditional use permit for the substantial modification or construction telecommunication tower in any zoning district subject to the conditions in this section.
- B. The application for a conditional use permit for a telecommunication tower shall include the following information:
1. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers; and
 2. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and materials;
 3. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors, existing structures and land uses on the site and on adjacent property, access roads and easements to be used for the site;
 4. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
 5. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
 6. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
 7. Written authorization for the application from the owner of the site;
 8. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
 9. A line of sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
 10. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months, and providing that if the

telecommunication tower is not removed within this one hundred eighty-day period, the city may remove the telecommunication tower at the cost of the owner;

11. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
12. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements;
13. Any additional information required by the planning department during the application process.

C. The planning and zoning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:

1. Location and Visual Impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning and zoning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.
2. Inability to Collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
3. Location in a Residential Zoning District. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.
5. Design for Future Use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
6. Safety Code Met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
7. Distance from Existing Telecommunication Towers. A telecommunications tower shall not be approved if it is located within one-half mile (two thousand six

hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.

8. Zoning Requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations.

10. Signs. No signs may be located on a telecommunication tower except for identification signage.

11. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.

12. Fencing. A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunications tower site to limit access by the public.

D. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

Section 2. This ordinance shall take effect immediately following adoption by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2021.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jake Staser, City Attorney
Brena, Bell, & Walker, P.C.

Adoption:
Yeas:
Noes:
Absent:
Abstaining: