

Criteria for Communication Tower Application

Johnson County, Iowa

Prior to obtaining a building permit, documentation must be submitted to verify that all the conditions listed below have been met.

1. Exhaustion of Remedies.

The applicant shall exhaust all alternatives for co-location on existing towers and/or location on existing structures and document all efforts, prior to requesting consideration of a new tower site. This demonstration of effort shall include, but is not limited to, the following: (a) provide a scatter graph for any tower within a two (2) mile radius of the proposed site, and, (b) confirm by evidence of a writing, duly delivered or sent by prepaid U.S. certified mail, return receipt requested, the parties you have contacted, by name, date and time, confirming that the tower co-location is denied.

2. Responsibility to Share Tower.

If the applicant is granted a Conditional Use Permit to construct a tower, applicant is expected to share the tower site with at least two other communication companies at an equitable price within industry standards.

3. Annual Approval.

If the applicant is granted a Conditional Use Permit to construct a tower and fails to share the tower as directed in Section 2 above, the Johnson County Board of Adjustment can revoke approval of the Conditional Use Permit.

4. Construction.

The tower must be constructed of materials that make it nearly invisible, and, lighting must be as inconspicuous as possible--existing only for the purpose of satisfying the Federal Aviation Administration (FAA) requirements.

5. Replacement Tower.

If the tower is constructed to replace an existing communication tower, there shall be a 90-day window to permit removal of the existing tower and support structures. Applicant understands that the area must be returned to its original condition.

6. Proof of Liability Insurance.

The applicant shall provide proof of adequate liability insurance to the Johnson County Planning, Development and Sustainability Department. Applicant shall provide to County a Certificate of Insurance evidencing current coverage, and provide notice to County if insurance is diminished, canceled, terminated, or not renewed, and, identify the tower by application number.

7. Location of Tower.

The applicant shall locate the tower on the designated lot so that the distance from the base of the tower to any adjoining property lines is a minimum of (a) 100 per cent for free standing towers, or (b) 80 per cent for guy anchored towers.

8. Setback Compliance.

The applicant shall comply with all setback requirements for placement of the tower, the guy anchors, and support structures. In addition, none of these structures shall be located in an easement on the property.

9. Independent Expert Inspection.

The applicant shall direct an independent expert to inspect the communication tower every thirty-six (36) months, and provide the report to the Planning, Development and Sustainability Department. Any deficiency discovered must be corrected within 90 days of review of report by the Board or the tower will be removed at the expense of applicant.

10. Landscaping.

Applicant shall landscape the tower site perimeter with at least one row of deciduous trees, not less than two (2) inches in diameter measured three (3) feet above grade, spaced not more than twenty (20) feet apart and within twenty-five (25) feet of the site boundary, as well as at least one (1) row of evergreen trees or shrubs at least four (4) feet high when planted and spaced not more than fifteen (15) feet apart and within forty (40) feet of the site boundary.

11. Security Fencing.

Applicant shall fence the tower site with a minimum of eight (8) foot high security fencing with barbed wire around the base and guy anchors of the tower, and post appropriate signs on the fence every twenty (20) feet warning of the danger of trespassing.

12. Environmental Protection Agency Compliance.

The applicant shall assure the County that the source of non-ionizing electromagnetic radiation (**NIER**), when combined with existing sources of NIER, shall not expose the public to ambient radiation exceeding standards established by ANSE C-95.1 or applicable Environmental Protection Agency regulations.

13. Signal Interference Complaints.

The applicant shall assure the County that any signal interference complaints associated with the communication tower or related equipment shall be addressed within thirty (30) days in accordance with Federal Communication Commission (FCC) rules and procedures.

14. Compliance and Certification.

The applicant assumes responsibility for tower compliance with all applicable federal standards.

15. Notice.

Any notice required to be given under this application shall be in writing and shall be considered duly served when sent by prepaid United States certified mail, return receipt requested, or when personally served upon the party with return of service.

16. Changes in Business Status.

If tower applicant sells, transfers, disposes of or yields control over its facilities and equipment and services and business interests used to support its obligation hereunder, or assigns any of its rights or delegates its obligations, or enters bankruptcy proceedings, executes an assignment for the benefit of creditors or ceases to exist or loses its license to operate or such license is limited in any way, applicant shall give legal notice to the Johnson County Planning, Development and Sustainability Department.

Approved by Board of Adjustment _____, 200_.