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Environmental Services
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TELECOMMUNICATIONS TOWER: PLANNER'S TECHNICAL REPORT

15114 East Highway 264

EXECUTIVE SUMMARY

Property owner, Carl McGarrah, is proposing to allow AT&T to construct a new 255' telecommunications tower on his property. The subject land has frontage along Highway 264. In addition to the construction of the tower, applicant, Lee Ann Fager, with Retel Services, is also requesting a variance from the setback requirement along Highway 264.

The submitted application contains a site plan and written proposal. Staff conducted a review of the application and all materials.

Applicant is requesting a variance from the road setback regulation.

The following items are outstanding:

- Applicant to provide a plan showing diesel containment in the event of a spill
- Applicant to show fall zone to comply with FCC
- Applicant to provide a setback map with height of tower plus 50'
- Applicant to demonstrate hardship for variance

PROJECT INFORMATION

Applicant: Lee Ann Fager

Owner: Carl McGarrah

Municipal Planning Area: Lowell, AR

Adders of subject property: 15114 East Highway 264 (New 911 Address)

Parcel ID: 18-02745-001

Parcel Size: 3.44 acres (area of development 5625 sq. ft.)

Current Land Use: Vacant, undeveloped, with heavy timber to north; existing culvert

Proposed Land Use: New 255' telecommunications tower

Attachments: The following drawings and documents are attached:

1. Location Map – 15114 E Highway 264
2. Proposed Site Plan
3. Applicant's written proposal

PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is municipally known as 15114 E Highway 264 and is located east of the Lowell city limit.

The overall land area is 3.44 acres. The subject land slopes up to the southeast toward Highway 264. Timber fills the northwest corner of the property. Neighboring properties to the west, east, and south comprise of residential uses. Please see Location Map attached.

In accordance with Benton County GIS data, the property is not located within a flood zone, nor is it located within a Benton County MS4 area.

Background information:

On October 15, 2013, project representative Lee Ann Fager met with planning staff and submitted an application. No prior Planning Board approval has been granted to this property for a telecommunications tower.

TECHNICAL REVIEW OF SITE PLAN

Parcel Information

The proposed project area consists of one parcel, totaling 3.44 acres.

Noticing Requirements

Required: All landowners of record owning land within 300 feet of the base of the tower and all landowners of record owning property adjacent to the parcel of land on which any proposed tower or major modification subject to these regulations is to be placed, must be notified in writing and given a chance to voice opposition or support for a proposed tower or antenna array at a public meeting.

Special Notice for Variance: Any time a variance from any of the requirements in these regulations is sought, all persons owning land within the height of the tower plus 50 feet from the

base of the tower must be notified of the requested variance, and be given an opportunity to respond to the request

Comment: Applicant has agreed to provide certified mail receipts at TAC.

Preference for Co-Location

Required: All applicants seeking permission to construct one or more towers in Benton County shall cooperate in co-location of antenna arrays on their towers where feasible and must demonstrate a good faith effort to provide co-location.

Comment: Applicant provided a letter dated October 31, 2013 stating that co-location is not feasible due to the fact that no towers are located within a ½ mile radius, as recommended by their engineers.

Setback from Road

Required: All towers shall be set back from the nearest edge of all roads, as recognized by the County 911 Administration Office with a specific name or number, by at least 50 feet plus the height of the tower.

Comment: The required setback from the edge Highway 264 would be 305'. The tower is proposed to be built approximately 189' from the edge of Highway 264, thus applicant is requesting a variance from this regulation of 116'. The triangular shape of the property, as well as the heavy timber near the north property line limits the placement of the tower within the required setback distance. The property owner did not want to have to clear any of the timber, which mitigates visual impact. The tower, as proposed, would have a fall zone that could potentially impact the right-of-way of Highway 264. However, applicant stated that "monopoles bend at stress points along the tower, guyed towers collapse on top of themselves and these self-support towers twist and bend at stress points. They are much larger at the bottom than at the top so they, more than any other type of tower, remain stable."

Setback from Residences

Required: There will be no residences where the nearest part of the residence is within the height of the tower from the base plus 50 feet, unless all persons owning said residences or the land on which said residences are located consent in a signed writing to the construction of said tower.

Comment: There are no residences within 300 feet of the base of the proposed tower, thus the proposal is compliant with this regulation.

Mitigation of Visual Impact

Signage: Signage is limited to non-illuminated warning and equipment identification signs.

Comment: Applicant has indicated compliance with this requirement in the application.

Lighting: No tower shall be equipped with strobe lights that operate at night.

Comment: Applicant has indicated compliance with this requirement in the application.

Noise

Required: Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site.

Comment: Applicant has indicated compliance with this requirement in the application.

Precautions Against Trespassers

Required: The base of every tower must be surrounded with a fence at least 6 feet in height and topped with either barbed wire or razor wire.

Comment: Applicant has indicated compliance with this requirement in the application.

Access

A 30' access utility easement is proposed, with a 12" culvert under the driveway entrance. Staff received the following comment from Bobby Keeton with AHTD: A utility access driveway permit will be required, along with a \$750.00 deposit. The minimum easement width is 37'. Applicant has confirmed to fully comply with the requirements of AHTD, and will apply for the driveway permit.

Benton County Fire Marshal: Marc Trollinger, Benton County Fire Marshal, has requested that proper containment measures be taken for the diesel backup generator proposed on site. He has reviewed the plans and the specification sheet regarding the backup generator, and the fuel tank containing the diesel fuel. A plan for containment in the event of a spill is required.

CONCLUSION

The proposed construction of a new telecommunications tower on site was reviewed by planning staff. Applicant has worked diligently with staff to provide all information required. The following item remains outstanding:

- Applicant to provide a plan showing diesel containment in the event of a spill
- Applicant to show fall zone to comply with FCC
- Applicant to provide a setback map with height of tower plus 50'
- Applicant to demonstrate hardship for variance

Reviewed by: Amber Beale, Planning Coordinator



LOCATION MAP - 15114 E Highway 264, Lowell



October 15, 2013

Ms. Amber Beale
Benton County Planning & Environmental
903 NW 8th Street
Bentonville, AR 72712

Dear Amber:

Below please find the responses to items from the Benton County Cell Tower Checklist that are not contained on the construction drawings/survey from yesterday.

Location/ size of existing easements:	AT&T has performed a title search and 50 year Chain of Title and has found that no easements exist on the parent parcel or leased area
Distance in feet to all adjacent property Owners	See attached map
Location of flood area on the property	No flood areas exist on the Parent Parcel or leased area
Describe plat and deed restrictions	The subject property is unplatted and no deed restrictions exist.
Real estate property card	See attached
Location of residences within height of tower plus 50 feet	See attached
Mitigation of visual impact	The subject property consists of open green field bordered by a heavy growth of trees and brush. Many tall trees are scattered throughout the parcel and will

APPLICANT'S WRITTEN PROPOSAL

Precautions against excessive noise	<p>serve to detract from the overall visual impact. In addition, a 6' chain link fence topped with 3 strands of barbed wire will enclose the compound, preventing any uninvited vandals or intrusions. The fence will contain signs which designate the FCC registration number and emergency contact for the tower along with government-required radio frequency emission statements.</p> <p>The tower itself does not emit noise and the transmitting equipment will be housed in a prefabricated concrete shelter, thereby mitigating any noise.</p>
Fencing with signs	See above
Maintenance agreement	<p>AT&T and its partner/agent, American Tower, employ Operations personnel and vendors in the local area to maintain all aspects of the site including weed control, fence integrity, security and roads. Towers are inspected on a regular basis for structural integrity of members as well as loose mounts or antenna connections.</p>
Regulatory Compliance Agreement	<p>AT&T is required by law to maintain records with the Federal Communications Commission and the Federal Aviation Administration. Notices of proposed towers are sent to FAA and the approval from FAA (Form 7460) as well as the FCC Registration (Form 854R) is obtained prior to beginning construction. A Section 103 NEPA review is conducted by a licensed environmentalist and all federal agency approvals must be present in order to begin construction. Finally, a Phase I Environmental report is also obtained.</p> <p>Regulatory Contact: Cindy Henry, Regulatory Specialist AT&T Mobility 10802 Executive Center Drive, Suite 300 Little Rock, AR 72211 501-219-4486</p>

I will submit the certified receipt cards for all landowners within 300' of the base of the tower upon their procurement.

I have also included the other pages of the Application; I believe the landowner, Mr. Carl McGarrah,

dropped off the second page and signed Attachment B earlier today. I also enclose a check for \$200 to cover the cost of filing.

Please let me know if you need anything else.

Sincerely,



Lee Ann Fager
RETEL Services, agent for AT&T
918-340-9820

5871 Glenridge Drive NE, Suite 110, Atlanta, GA 30328

APPLICANT'S WRITTEN PROPOSAL