

**RESOLUTION NO. R21-99**

**A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR PROJECT TELEPHONE AUTHORIZING THE CONSTRUCTION OF A FIBEROPTIC HUT AT 1013 8<sup>TH</sup> AVENUE, CITY OF LAUREL.**

WHEREAS, Project Telephone (“Applicant”), on behalf of the property owner, submitted a Special Review Application for the above-described property which is currently zoned Residential 7500 (R-7500) and is located within the City of Laurel; and

WHEREAS, the Applicant desires to construct and locate a fiberoptic utility hut on the property to enable applicant to install a transport fiber optic cable from its existing facilities in Absarokee, Columbus, Park City, through Laurel to its facilities located on the Billings West End; and

WHEREAS, the Applicant entered into a long term lease with the property owner to enable it to construct, maintain and operate the fiberoptic utility hut on the property; and

WHEREAS, the Laurel Municipal Code authorizes such action upon approval through the Special Review Procedure; and

WHEREAS, the Applicant submitted an application for special review to the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) for review and consideration. The Planning Board (Zoning Commission) recommends the City Council’s approval of the application for special review, subject to the following conditions:

1. Any applicable permits, including but not limited to building permits must be applied for within six (6) months of this approval.
2. Construction of the structure and site must be completed within one (1) calendar year of this approval.
3. The operation of the site shall not be done in such a manner as to be a nuisance.
4. The site shall be screened by an appropriate landscaping or site obscuring material as approved by City Staff.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.
7. Curb, gutter, and sidewalk shall be constructed along the road frontage of the 50’x50’ area developed as part of the special review.

WHEREAS, a public hearing was held on September 14, 2021, at the City Council Meeting;

WHEREAS, the City Council of the City of Laurel hereby finds, based on the recommendation of the Zoning Commission, Staff recommendation, and public comment gathered at the public hearing, that it is in the best interests of the residents of the City of Laurel to approve the application for special review as provided in the Staff Report and Findings attached hereto, subject to the above stated conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the application for special review to allow Project Telephone to construct, maintain and operate a fiberoptic utility hut on the property located at 1013 8<sup>th</sup> Avenue, Laurel, Montana; and

BE IT FURTHER RESOLVED, that the approval of the application for special review is site specific to this address, and the approval granted herein is subject to the conditions listed in this resolution and the Staff Report.

FINALLY, BE IT RESOLVED, the Application, Staff Report and all attachments thereto are hereby incorporated as part of this resolution.

Introduced at a regular meeting of the City Council on September 14, 2021, by Council Member Klose.

PASSED and APPROVED by the City Council of the City of Laurel this 14<sup>th</sup> day of September 2021.

APPROVED by the Mayor this 14<sup>th</sup> day of September 2021.

CITY OF LAUREL



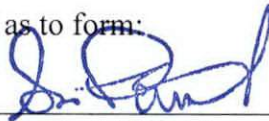
Thomas C. Nelson, Mayor

ATTEST:



Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:



Sam Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
PROJECT: Project Telephone Fiberoptic Hut Special Review  
DATE: August 25, 2021

#### DESCRIPTION OF REQUEST

An application for Special Review was applied for by Project Telephone for the installation and operation of a fiberoptic utility hut within a residential district. The proposed location of the hut is 1013 8<sup>th</sup> Avenue. This property is located within the Laurel City Limits. Project Telephone has entered into a lease agreement with the property owner of 1013 8<sup>th</sup> Avenue to install and operate the fiberoptic utility shed.

The Laurel Municipal Code Chapter 17.21 states directly that utility operators should work to locate telecommunications infrastructure away from residential areas whenever possible. It further states that any Telecommunications huts and support buildings to be approved by Special Review if they do not meet the requirements of that chapter. An approval of this special review application would enable Project Telephone to install and operate a fiberoptic utility shed within a residential district.

Owner: Karl Morledge  
Legal Description: S09, T02 S, R24 E, C.O.S. 68, (.77 ACRES)  
Address: 1013 8<sup>th</sup> Avenue, Laurel, MT  
Parcel Size: 0.77 Acres (Special Review to include only 50'x50' of southern portion of property)  
Existing Land Use: Residential, vacant/unused southern portion of property  
Proposed Land Use: Residential, Fiberoptic utility tract on southern portion of property  
Existing Zoning: Residential 7500 (R-7500)

#### BACKGROUND AND PROCEDURAL HISTORY

- Initial conversations between Planning and Jim Tuell, the representative for the applicant, began on January 19, 2021

- Planning Director met with Jim Tuell on June 14, 2021, to visit sites to possibly locate the proposed fiberoptic utility hut.
- July 29, 2021: Planning Director provided information regarding the Zoning Code regulations on Telecommunications facilities and the Special Review Process.
- July 29, 2021: Applicant requested a Special Review application be placed on the Laurel City-County Planning Board and Laurel City Council agenda.
- The Applicant provided a Special Review application to the Planning Department on August 10, 2021.
- The Special Review Application has been placed on the agenda for the Planning Board meeting on August 18, 2021
- August 18, 2021 – Planning Board voted to approve the Special Review application for Project Telephone with the stated staff conditions.
- The Special Review Application has a public hearing scheduled in front of City Council on September 14, 2021. The City Council shall approve, conditionally approve, or deny the special review request.

## STAFF FINDINGS

The Planning Director determined that while the fiberoptic utility facility does not fully conform to the requirements of LMC 17.21 – Telecommunications Towers and Antennae, it closely aligns with the spirit of the code in the type, scope, and scale of the specific projects regulated within said code.

A Special Review process is required as the proposed development is located in close proximity to residential parcels, as well as does not meet the requirements of

- 1) LMC 17.21.030 – Standards for Wireless Communications Facilities,
  - a. Part A. 1 states: “Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;”
  - b. Part A, 3 states: Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;”
  
- 2) LMC 17.21.030.D – Commercial Antenna Support Structures and Antennae located in Residential Zoning Codes, Part 1 states: “Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.”

The proposed fiberoptic utility shed is not located on a school, government-owned utility, or other government site.

The proposed fiberoptic utility shed is within a residential zoning district.

The Applicant has provided a Special Review application including:

- Justification and Scope of Work letter
- Building Site Map
- Utility hut Location drawing

The applicant has paid the required fee for the Special Review application.

The public noticing provisions of LMC 17.68 have been met.

#### **PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA**

LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
  1. Grant the application for special review;
  2. Deny the application;
  3. Delay action on the application for a period not to exceed thirty days; or
  4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
  1. Complies with all requirements of this section;
  2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
  3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
  4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
    - a. Street and road capacity,
    - b. Ingress and egress to adjoining streets,
    - c. Off-street parking,
    - d. Fencing, screening and landscaping,
    - e. Building bulk and location,
    - f. Usable open space,
    - g. Signs and lighting,

- h. Noise, vibration, air pollution and similar environmental influences.

The following actions are to be taken by City Council:

17.68.50 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

## RECOMMENDATIONS

The Planning Director recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits must be applied for within six (6) months of special review approval.
2. Construction of the structure and site must be completed within one (1) calendar year of special review approval.
3. The operation of the site shall not be done in such a manner as to be a nuisance.
4. The site shall be screened by an appropriate landscaping or site obscuring material as approved by City Staff.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.
7. Curb, gutter, and sidewalk shall be constructed along the road frontage of the 50'x50' area developed as part of the special review.

## ATTACHMENTS

1. Project Telephone Justification Letter
2. Special Review Application Form
3. Site Overview
4. Landscaping Plan
5. Adjacent Property Owners List (300ft)
6. Adjacent Property Owners Map (300ft)
7. LMC 17.21 – Telecommunications Towers and Antennae
8. LMC 17.68 – Special Review Procedures

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

## Application for Special Review

The undersigned as owner or agent of the following described property requests a Special Review as outlined in Chapter 17 of the Laurel Municipal Code.

Applicant: Project Telephone  
Legal Description: [S09, T02 S, R24 E, C.O.S. 68, \(.77 ACRES\)](#)  
General Address: Corner of W Maryland Ln and 8<sup>th</sup> Ave  
Owner of Tract: Karl Morledge  
Mailing Address: 2706 Minnesota Ave Billings Mt 59101  
Phone Number: 406-620-7011  
Email Address: [jim.tuell@nemont.coop](mailto:jim.tuell@nemont.coop)

General Description of the requested Special Review:  
Project Telephone wishes to place an 8'x12' hut for housing of electronics for fiber optic transport facilities. 50'x50' area will be fenced, graveled and gated.

---

Timeline for development:  
Construction to be completed in 2021 and will operate facilities indefinitely. Lease from landowner would be for 30 years, unless otherwise specified.

Attachments:  
 Site Map (printed on at least 11"x17" in paper size showing dimensions, acreage and location of tracts in question)  
 Site Plan (printed on at least 11"x17" paper size including: property boundaries and lot line dimensions, the location of proposed/existing structures, off-street parking, site elevations, service and refuse areas, means of ingress and egress, landscaping, screening, signs and open space areas, and latitude and longitude of the site.  
 Justification letter describing the special review requested and reasoning  
 Map of all properties within 300 feet of the property  
 List of the names and addresses of the property owners and/or agents for all parcels within 300 feet of the parcel under Special Review. (City staff can assist with this process)  
 Special Review fee as per Laurel Schedule of Fees.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**CITY HALL**  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

## Instructions for Special Review Applications

Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The City Council has the final authority to grant or deny application requests.

1. Applications must be received on or before the 1<sup>st</sup> of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to make a decision on the matter.
3. If new construction or a change in the use of the property is contemplated, building and/or development plans shall be submitted with the application.
4. Applications must be submitted to the Planning Department with the applicable fee as noted in the most recent Schedule of Fees.
5. A public hearing is required to be held for all Special Review applications.
6. The City will notify all property owners listed within the 300-foot radius and a legal ad will be published at least 15 days prior to the public hearing.
7. The Laurel Zoning Commission meets the 3<sup>rd</sup> Wednesday of the month at 5:35PM at the Laurel City Council Chambers. The applicant or a representative of the applicant must be present at the public hearing.
8. Recommendations of the Laurel City-County Planning Board shall be provided to the Laurel City Council for their review and final Approval, Conditional Approval, or Denial of the application.

**CAUTION**

KNOWN UTILITY LINES ARE SHOWN  
IN APPROXIMATE LOCATIONS ONLY.  
ALL EXACT LOCATIONS ARE TO BE  
DETERMINED BY THE CONTRACTOR  
DURING CONSTRUCTION.

(ONE CALL - DIAL 811)

**STAKING SHEET & PLANT RECORD**

State: Montana  
County: Yellowstone  
Range: 24E  
Twp: 2S Sec: 09

Nemont Telephone Coop. Inc.	
Staked By: -	Date: -
As-Built By: -	Date: -
Revised By: -	Date: -
Revised By: -	Date: -

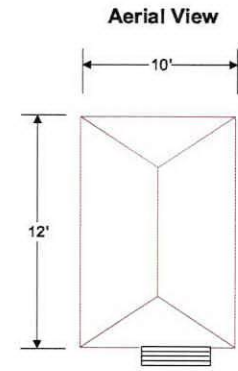
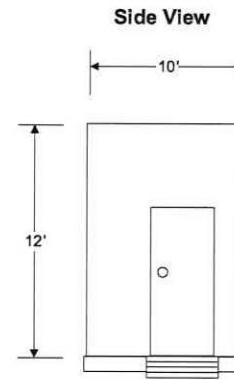
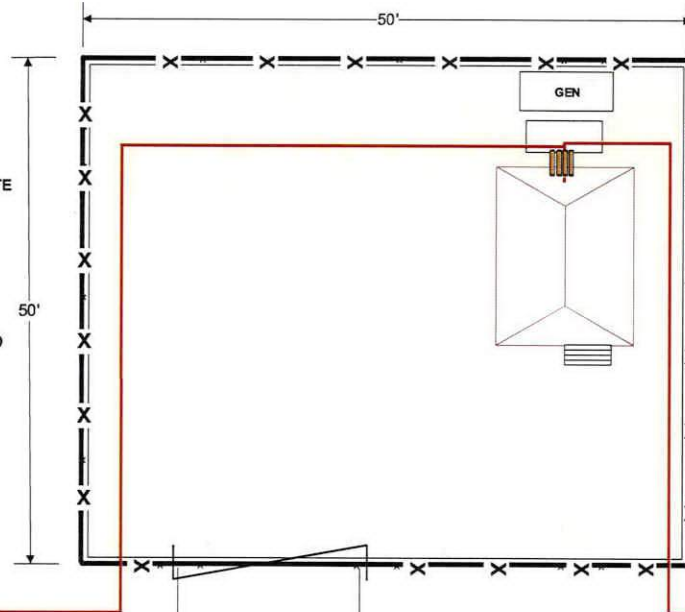
Nemont Telephone Cooperative, Inc.  
61 Highway 13 South  
P.O. Box 600  
Scobey, MT 59263  
Phone: 1-800-636-6680 Fax: 1-406-783-5283

As Staked  
**Project Telephone**  
Name: Laurel Hill Site Plan  
WO: P220-0001-ARSK-BLNG  
Exch: Billings  
Route:  
ROW: Private  
Section: 9 Rev# - P



- LOT WILL BE GRAVELED AND WEED FREE
- PERIMETER BLACK CHAIN LINK FENCING
- BACK UP GENERATOR WILL BE ON CONCRETE PAD
- BUILDING WILL BE ON FOUNDATION
- CITY SET BACKS WILL BE FOLLOWED
- BUILDING WILL BE SUPPLIED WITH GAS AND POWER

DRAWING IS NOT TO SCALE



BFO 288

BFO 288

WEST MARYLAND AVE

**CAUTION**

KNOWN UTILITY LINES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. ALL EXACT LOCATIONS ARE TO BE DETERMINED BY THE CONTRACTOR DURING CONSTRUCTION.

(ONE CALL - DIAL 811)

**STAKING SHEET & PLANT RECORD**

State: Montana  
 County: Yellowstone  
 Range: 24E  
 Twsp: 2S 9

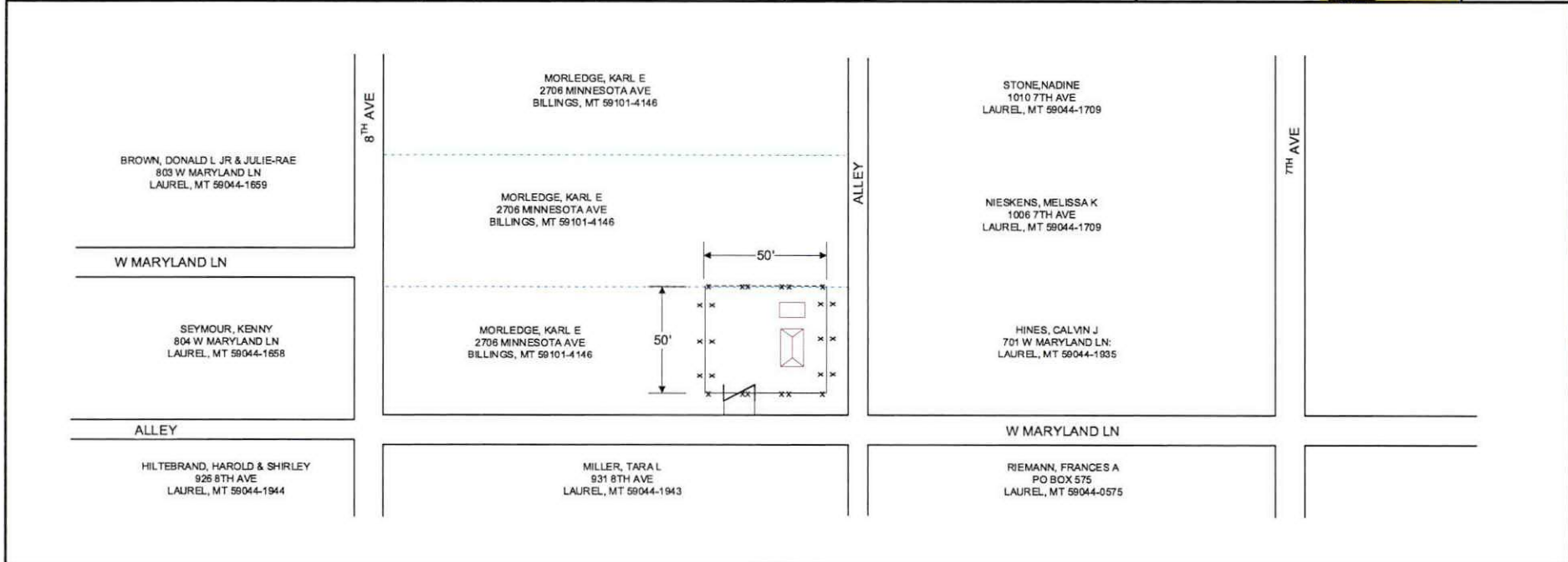
Nemont Telephone Coop. Inc.	
Staked By: -	Date: -
As-Built By: -	Date: -
Revised By: -	Date: -
Revised By: -	Date: -

Nemont Telephone Cooperative, Inc.  
 61 Highway 13 South  
 P.O. Box 600  
 Scobey, MT 59263  
 Phone: 1-800-636-6680 Fax: 1-406-783-5283

**As Staked**  
**Project Telephone**  
 Name: Laurel Hut Location  
 WO: P220-0001-ABSX-BLNG  
 Exch: Billings  
 Route:  
 ROW: Private  
 Section: 9



Rev# - P



**DRAWING IS NOT TO SCALE  
 PROPERTY LINES ARE APPROXIMATE**

List of Property Owners within 300ft of 1013 8<sup>th</sup> Avenue, 8/13/2021

Owner name	Tax Code	Legal Description	Address
BROWN, DONALD L JR & JULIE-RAE	B02282	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 14	803 W MARYLAND LN
CAUFIELD ROCKY R & SANDRA	B02164	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 33 - 34	1013 7TH AVE
CERNOHLAVEK, JERRY W & COLLEEN A	B02146	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 29 - 30	1021 8TH AVE
CHARON, BRIAN	B02300	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 8, Lot 3	816 W MARYLAND LN
CLAVADETSCHER, KEIL J	B02283	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 15	1007 9TH AVE
CONRAD, MOLLY	B02138	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 13 - 14	1026 7TH AVE
DETIENNE, MARTIN E & MAXINE M	B02281	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 13	1012 8TH AVE
EDGMOND, BRENT S & MARTHA L	B01658F	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 13 - 14	926 7TH AVE
FAW, TAMIE J	B02277	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 9	1036 8TH AVE
FERGUSON, RUTH ANN	B02147	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 31 - 32	1017 8TH AVE
FORSBERG, PEGGY S	B02162	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 29 - 30	1021 7TH AVE
GAUTHIER, PEGGY	B02161	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 27 - 28	1025 7TH AVE
GIBSON, CODY M & AMANDA M	B02280	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 12	1018 8TH AVE
HARKINS, ELIZABETH ANN (RLE)	B02137	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 11 - 12	1022 7TH AVE
HARMON, TOM & BARBARA	B02284	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 16	1013 9TH AVE
HATTEN, DAVID E & BRENDA L	B02135	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 7 - 8	1014 7TH AVE
HENRY, CYNTHIA L	B01670A	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 6, Lot 19 - 20	925 7TH AVE
HILTABRAND, HAROLD & SHIRLEY	B02451	WILLOW CREEK SUBD, S08, T02 S, R24 E, BLOCK 2, Lot 9	926 8TH AVE
HILTABRAND, TOBY R	B01858	CASA LINDA SUBD, S08, T02 S, R24 E, BLOCK 1, Lot 4	921 CASA LINDA CIR
HILTEBRAND, HAROLD & SHIRLEY	B02452	WILLOW CREEK SUBD, S08, T02 S, R24 E, BLOCK 2, Lot 10	8TH AVE
HINES, CALVIN J	B02132	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 1 - 2	701 W MARYLAND LN
JANSMA, FRANCES N	B02167	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 39 - 40	619 W MARYLAND LN
JENSEN, BRANDON & MONICA	B02279	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 11	1024 8TH AVE
JEROME & HAZEL KLEIN LIVING TRUST	B02145	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 27 - 28	1025 8TH AVE

KRAITER, DARYL L	B01659C	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 23 - 24	919 8TH AVE
KRAITER, MICHAEL J	B01658D	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 9 - 10	918 7TH AVE
KRAUSE, E BRADLEY & JEANETTE G	B01670	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 6, Lot 17 - 18	620 W MARYLAND LN
KULESA, KENT	B02299	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 8, Lot 2	810 W MARYLAND LN
LEBRUN, LARRY W & PEGGY SUE	B02450	WILLOW CREEK SUBD, S08, T02 S, R24 E, BLOCK 2, Lot 8	919 10TH AVE
LUGO, VICTOR	B02139	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 15 - 16	1030 7TH AVE
MANLEY, BYRNE J III	B02136	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 9 - 10	1018 7TH AVE
MCCUE, SCOTT R & AMEE E	B01659A	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 19 - 20	927 8TH AVE
MERCIER, CODY	B01859	CASA LINDA SUBD, S08, T02 S, R24 E, BLOCK 1, Lot 5	927 CASA LINDA CIR
MILLER, TARA L	B01659	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 17 - 18	931 8TH AVE
MORLEDGE, KARL E	D02644	S09, T02 S, R24 E, C.O.S. 68, (.77 ACRES)	1013 8TH AVE
MOSBY, BLAINE M & KERI A	B02453	WILLOW CREEK SUBD, S08, T02 S, R24 E, BLOCK 2, Lot 11	921 10TH AVE
NELSON, JAMES R	B02140	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 17 - 18	1034 7TH AVE
NIESKENS, MELISSA K	B02133	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 3 - 4	1006 7TH AVE
O'DONNELL, LEE ANN	B02166	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 37 - 38	1005 7TH AVE
REHLING, VICKI L	B02144	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 25 - 26	1029 8TH AVE
RIEMANN, FRANCES A	B01658G	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 15 - 16	702 W MARYLAND LN
RISTE, KEVIN D & BECCI J	B01658E	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 11 - 12	922 7TH AVE
RUBASH, SHERRI L	B02278	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 10	1028 8TH AVE
SEYMOUR, KENNY &	B02298	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 8, Lot 1	804 W MARYLAND LN
SKAW, MATTHEW D & SHANELL D	B01659B	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 21 - 22	923 8TH AVE
SMITH, DARRELL R & RACHEL A	B02285	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 17	1019 9TH AVE
SNOWDEN, SCOTT F & MANDY L	B02287	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 19	1029 9TH AVE
STONE, NADINE	B02134	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 5 - 6	1010 7TH AVE
VOORHIS, RENEE &	B01670B	MOUNTAIN VISTA SUBD, S09, T02 S, R24 E, BLOCK 6, Lot 21 - 22	921 7TH AVE
WHITFIELD, WANDA LEE &	B02165	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 35 - 36	1009 7TH AVE
WIESNER, EUGENE F & MARIA P	B02286	CHERRY HILL SUBD, S08, T02 S, R24 E, BLOCK 6, Lot 18	1025 9TH AVE
WILKE, IRVING H & PAMELA K	B02163	MALIT SUBD, S09, T02 S, R24 E, BLOCK 4, Lot 31 - 32	1017 7TH AVE
WISECUP, MIKE S & GAYLE A	B02143	MALIT SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 23 - 24	1033 8TH AVE





# Project Telephone Company

*Discover Us*

8/10/2021

City of Laurel  
PO Box 10  
115 W. 1<sup>st</sup> Street  
Laurel, MT 59044

RE: City of Laurel Hut location

Dear sirs;

This is a brief detail and scope of the work to be performed along 8<sup>th</sup> Ave and W Maryland Ln in Laurel, MT.

Project Telephone is bringing a transport fiber optic cable from our existing facilities in Absarokee through Columbus, Park City, Laurel and into our facilities on the Billings west end. We will have a hut in Columbus, Park City and need to have one in Laurel. This building or hut will regenerate the fiber optic light.

I have been working with Nick Altonaga, CFM, your Planning Director in searching for a lot or tract of land that will fit our needs.

The tract size needed is 50' x 50'. The building size is approximately 8'x12', similar in dimensions to a storage shed. It will be placed on a similar sized concrete foundation or pad. It will have power and natural gas ran to it. The 50'x50' tract will be fenced with black chain link fence and slatted if required. It will have a gate to allow vehicles egress into the lot. The interior of the lot will be graveled and free of vegetation. Snow removal will be done by Project Telephone. It will have a generator back up placed alongside the building on a concrete pad.

I understand that the City is looking for a new location for their booster pump station. The remainder of this lot would make a great location. I also know that the owner is willing to talk about this.

Please see attached staking sheets and supporting documents. Feel free to call with any questions. Thank you for this consideration.

Jim Tuell

OSP Engineer / ROW Agent  
Project Telephone Company  
Office (406) 783-2344  
Cell (406) 620-7011

---

**2457 Main St ▪ P.O. Box 8 ▪ Worden, MT 59088-0008**  
**(406) 967-5555 ▪ Fax (406) 967-5112**

## Chapter 17.21 - TELECOMMUNICATIONS TOWERS AND ANTENNAE\*

### Sections:

#### 17.21.010 - Intent.

This chapter is established to regulate the placement of telecommunications towers and antennae within the Laurel zoning jurisdictional area (one mile outside the municipal limits).

(Ord. 01-2 (part), 2001)

#### 17.21.020 - Standards for amateur radio antenna support structures.

##### A. Definitions. For the purposes of this chapter, the terms used shall be defined as follows:

"Amateur Radio Antenna" means a ground, building or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designed by the Federal Communications Commission (FCC).

"Amateur Radio Antenna Support Structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

"Antenna Support Structure Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

##### B. General Provisions. All amateur radio towers shall comply with the following requirements:

1. Amateur radio antenna support structures and antennae shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.
2. Amateur radio antenna structures and antennae exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit if located within the municipal limits of Laurel. If located within one mile of such municipal limits, applicants must provide evidence to the Laurel Code Enforcement Office that the device is adequately anchored, designed, and/or constructed so as to safeguard the general public and/or adjacent property from damaged in the event of failure of the device.
3. It is recommended that amateur radio antenna support structures be designed, installed, and maintained so as to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the Federal Aviation Administration (FAA).
4. In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected for the primary purpose of supporting amateur radio antennae may exceed height limitations of the underlying zoning.
5. Attachments to amateur radio antenna support structures, such as guy wires, shall not cross any property line or any existing or proposed easement.
6. No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.
7. No signage (other than required warning signs) or displays of any type shall be permitted on any amateur radio antenna support structure.



- C. **Applicability.** All amateur radio support structures and antennae located within the City of Laurel or its surrounding zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to amateur radio antenna support structures and antennae upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter: Pre-existing amateur radio antenna support structures or antennae. Pre-existing amateur radio antenna support structures and pre-existing amateur radio antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures and antennae have received all required approvals, permits, and exceptions prior to adoption of this chapter.

(Ord. 01-2 (part), 2001)

17.21.030 - Standards for wireless communications facilities.

- A. **Purpose.** The purpose of this chapter is to establish regulations for the siting of antenna support structures and antennae on public and private property. The goals of this section are to:
1. Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;
  2. Strongly encourage the joint use of new and existing antenna support structures;
  3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
  4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennae; and
  5. Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.

B. **Definitions.**

"Abandoned antenna support structures" means any antennae or antenna support structures that are not utilized for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

"Alternative antennae support structure" means an antenna support structure designed to shield, conceal, or disguise the presence of antennae or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, utility poles, clock towers, flagpoles, and church steeples.

"Antenna" means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennae, such as whip antennae but not including satellite earth stations.

"Antenna support structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto. Land mobile radio and radio and television antenna support structures are regulated under Section 17.21.040 of this chapter.

"Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades

shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height of building on which they are mounted.

"Antenna or Tower farm" means an antenna or tower farm is a tract of land that contains no more than three antenna support structures within seven hundred fifty linear feet of each other. No antenna support structures located in tower farms shall exceed one hundred ninety-nine feet in height. Legal tracts must be adjacent to each other to be included in this definition.

"Co-location" means the use of a wireless communications facility by more than one wireless communications provider.

"Commercial wireless communication services" means licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

"Wireless communication facility" means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure and one or more antennae. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communication Commission.

C. Applicability. All wireless communication facilities located within the City of Laurel and its one-mile zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to wireless communication facilities upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter.

1. Amateur radio stations and antenna support structures;
2. Antennae and antenna support structures for land mobile radio and radio and television;
3. Pre-existing antenna support structures or antennae. Pre-existing antenna support structures and pre-existing antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures have received all required approvals, permits, exceptions prior to adoption of this chapter.

D. Commercial Antenna Support Structures and Antennae Located in Residential Zoning Districts.

1. Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

- b. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.

2. Antenna support structures and antennae shall be permitted in the Agricultural-Open Space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
    - a. Antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
      - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures for roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
      - (2) Antenna support structures fifty feet or less in height.
        - b. Antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
        - c. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
        - d. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.
- E. Commercial Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
1. Alternative antenna support structures shall be permitted as an allowed use in all commercial zoning districts.
  2. Antenna support structures shall be permitted as an allowed use in all commercial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, city-county planning board shall forward its recommendations to the city council for its decision.
  3. Antennae co-located on existing alternative antenna support structures or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.
  4. Antenna support structures and antennae located in Residential Professional (RP) that do not meet the requirements of preceding subsection E1, E2, and E3 shall be required to obtain special review approval.
  5. New antenna support structures shall not be erected in the Community Entryway Zone. Antennae may be placed on existing antenna support structures and alternative antenna support structures that have previously received all required approvals and permits and meet the provision and requirements of this ordinance without obtaining permit zoning approval.
  6. Antenna support structures and antennae located Neighborhood Commercial (NC), Highway Commercial (HC), Light Industrial (LI), Central Business District (CBD), Heavy Industrial (HI), and Public (P) zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections E1, E2, and E3, or:
    - a. Roof-mounted antenna that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use. (See additional requirements for roof-mounted antenna in subsection (G)(10) of this section).
    - b. Antenna support structures fifty feet in height or less shall be permitted as an allowed use. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.

- c. Antenna support structures that are greater than fifty feet in height shall not be allowed in the CBD or HC Zones.
- F. **Antenna Support Structures Located in Parks.** The presence of certain wireless communication facilities may conflict with the purpose of some city and county-owned parks. Wireless communication facilities will be considered only following a recommendation by the city-county planning board, the city parks committee, or the county board of park commissioners and approved by the city council. Factors that will be considered include:
  1. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
  2. Commercial recreation areas and major playfields; and,
  3. Park maintenance facilities.
- G. **General Requirements.** The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this ordinance.
  1. **Building Codes and Safety Standards.** To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time.
  2. **Regulatory Compliance.** All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations.
  3. **Setbacks:**
    - a. Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back from all property lines a distance equal to one-half the height of the structure from any off-site residential structure or residentially-zoned lot. Accessory structures must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially-zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
    - b. Commercial and Industrial Zoning Setbacks. Antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the commercial or industrial zoning district in which they are located.
  4. **Lot Coverage and Height.** Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.
  5. **Fencing and buffering.**
    - a. **Fencing.** A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height, are required adjacent to residential uses and residentially-zoned property.
    - b. **Landscaping.** For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the Laurel Code Enforcement Office, prior to zoning approval or issuance of building permit, to ensure the placement of required landscaping and fencing.

- c. Commercial Landscaping. Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.
  - d. Exceptions for Laurel Airport. If federal safety and security standards at the airport prevent an antenna support structure from being fenced or landscaped, preceding items (5)(a) and (5)(b) will not apply. Documentation of these standards must be submitted with the application.
6. Lighting. Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights.

Security lighting on site may be mounted up to twenty feet high on the tower, and shall be directed towards the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower. Cut-off security lighting must be used adjacent to residential uses or residentially zoned lots. When incorporated into the approved design of the facility, light fixtures used to illuminate sports fields, parking lots, or similar areas may be included in the facility.

7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs.
8. Co-location.
- a. Antenna support structures should be designed in all respects to accommodate both the applicant's antennae and antennae for at least two additional comparable antennae if the antenna support structure is over one hundred feet in height or for at least one additional comparable antennae if the tower is between fifty feet and one hundred feet in height.
  - b. All new antennae must co-locate on existing or approved antenna support structures or alternative antenna support structures unless it can be demonstrated co-location is not feasible as provided for in subsection (K)(7) of this section.
9. Maintenance.
- a. Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - b. All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash, and landscape maintenance.
10. Visual impact/aesthetics.
- a. Wireless communication facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA or other applicable local, state, or federal agency) be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
  - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers, or other architectural elements. Only monopole antennae support structures with omnidirectional (whip) or low profile single-directional (panel) shall be installed on building roofs. Crow's nest antennae arrays are prohibited on rooftop structures.

- d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below, or incorporated with vertical design elements of a structure.
  - e. Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the Laurel city council or by any state or federal law or agency.
11. Antenna support structure separation. All antenna support structures over fifty feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over fifty feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.

Exceptions to the terms of subsection (G)(11) of this section may be granted by the City of Laurel during the special review process when it is found that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna; or a critical need exists for the proposed location, and it is technically infeasible to locate or co-locate structures at or beyond the required separation distance.

- H. Nonconforming Wireless Communication Facilities. Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:
- 1. Nonconforming antenna support structures may continue their present use, but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.
  - 2. Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than fifty percent of its replacement, the antenna support structure must be brought into compliance with these regulations.
  - 3. The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological, or communications standards without having to conform to the provisions of these regulations.
- I. Modifications of Existing Wireless Communication Facilities That Meet the Requirements of These Regulations.
- 1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows: the addition of more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
  - 2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.
- J. Abandonment. Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility

owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

1. Re-use the facility or transfer it to another owner who will re-use it; or
2. Dismantle the Facility. If the facility is not removed within ninety days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.

If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.

K. **Special Review Submittal Requirements.** The applicant of new wireless communication facilities shall provide the following documentation for review by the city-county planning board:

1. A map to scale showing the service area of the proposed wireless communication facility and an explanation of the need for that facility;
2. A site/landscaping plan showing the following items;
  - a. North arrow.
  - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
  - c. Property boundaries and lot line dimensions.
  - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
  - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
  - f. Centerline and names of major and minor arterial streets relevant to the application.
  - g. Elevation drawing of proposed wireless communication facility including the antenna support structure, antenna platforms and associated equipment enclosures. Also indicate the maximum number of antenna platforms that can be supported.
  - h. Detailed landscaping plan of the site.
  - i. Location of artificial light sources and the areas of illumination.
  - j. Applications for tower farms shall include subsections (a) through (i) of this section and an overall development plan showing the location of future structures and equipment enclosures.
  - k. Latitude, longitude, and height of proposed antenna support structures.
1. Other pertinent features as determined by the planning board or the city.
3. Area map showing the property boundaries of adjacent property and the location of existing buildings.
4. Inventory of existing and approved sites. Each applicant for one or more antenna support structure shall provide to the city-county planning board a map showing the locations and service area of existing and approved antenna support structures operated or utilized by the applicant, including specific information on the location, height, and design of each antenna support structure. The city-county planning board shall maintain an inventory of existing and approved antenna support structures, including specific information about the location, height, and design of each antenna support structure. The city may share such information with other persons, organizations, or governmental authorities.
5. Documentation of minimum light requirements from the FAA or other local, state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of comments from the FAA.

6. When the applicant is a wireless service provider, proof that the applicant is licensed by the FCC to provide the wireless communication services that the proposed facility is designed to support.
7. Availability of suitable existing or approved antenna support structures. No new antenna support structure shall be permitted unless the applicant clearly demonstrates, in writing, to the reasonable satisfaction of the city that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna. Closer separation distances may be approved if the applicant clearly demonstrates a critical need for the alternative location and the infeasibility of locating or co-locating wireless communication facility at or beyond the required separation distance. Evidence submitted to demonstrate that no existing or approved structure can accommodate the applicant's proposed antenna must include a discussion of the following items, if relevant:
  - a. No existing or approved antenna support structures are located within the geographic area required to meet the applicant's engineering requirements;
  - b. Existing or approved antenna support structures are not of sufficient height to meet the applicant's engineering requirements;
  - c. Existing or approved antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength;
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved antenna support structures, or the antenna on the existing or approved antenna support structures would cause interference with the applicant's proposed antenna;
  - e. The fees or costs required to share an existing or approved antenna support structure or to adapt an existing or approved antenna support structures for sharing are unreasonable. Costs below new tower development are presumed reasonable;
  - f. Property owners or owners of existing or approved antenna support structures are unwilling to accommodate the applicant's needs;
  - g. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable;
8. Co-location Agreement. If co-location is feasible, the owner of the antenna support structure shall certify, prior to permit approval, that the owner will accept for co-location any FCC licensed wireless communication provider using compatible technology on commercially reasonable terms up to the antenna support structure's capacity to accommodate additional antennae. The applicant shall also include a statement on how requests for co-locators will be processed.
9. Effect of surrounding property values. The applicant must submit information that substantiates there will be no adverse effects on surrounding property values resulting from the proposed facility.

L. Special Review Uses.

1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The Laurel city council may issue special review approval under these sections provided it has determined that the requirements of this ordinance has been satisfied and, further, that the benefits of and need for the proposed wireless communication facilities are greater than possible depreciating effects and damage to neighboring properties.
2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed wireless communication facilities on surrounding properties.
3. Expiration of Special Review Approval.



- a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. If located within the city of Laurel, a building permit must be applied for within six months of special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extension of the period to start construction upon written request by the applicant.
  - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.
- M. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
- N. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

17.21.040 - Standards for land mobile radio and radio and television broadcast antennae and antennae support structures.

A. Purpose. The purpose of this section is to establish regulations for the siting of broadcast facilities, including land mobile radio services and radio and television broadcast antennae, antenna support structures, and associated equipment and buildings on public and private property. The goals of this section are to:

1. Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;
2. Strongly encourage the joint use of new and existing broadcast antenna support structures;
3. Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
4. Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennae; and
5. Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community as quickly, effectively, and efficiently as possible.

B. Definitions. For the purposes of this section, the terms used shall be defined as follows:

"AM" means amplitude-modulated broadcasting in the frequency band 535-1,705 kilohertz.

"Antenna/antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Broadcast antenna" means a ground, building or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, Part 90 (47 CFR § 90) - Private Land Mobile Radio Services,
- (b) Title 47, Part 73 (47 CFR § 73) - Radio Broadcast Services, which includes AM, FM, and Television Services, and
- (c) Title 47, part 74 (47 CFR § 74) - Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services;

"Broadcast antenna support structure" means any structure or device specifically designed, constructed, and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

"Broadcast antenna or tower farm" means a tract of land that contains three or more broadcast or land mobile radio service antenna support structures, any two are spaced no more than seven hundred fifty linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings, and any additions thereto.

"Broadcast facilities" means an unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure, and one or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Land Mobile Radio Service (LMRS)" means a mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90) - Private Land Mobile Radio Services.

- C. **Applicability.** All land mobile radio service and radio and television broadcast antenna and antenna support structures located within the City of Laurel zoning jurisdiction whether upon private or public lands shall be subject to this chapter. This chapter shall apply to broadcast antenna and antenna support structures upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise.

Pre-existing land mobile radio and radio and television broadcast antenna support structures and antennae shall not be required to meet the requirements of this chapter except as provided under Section 17.56 of this code, "Nonconforming broadcast facilities".

- D. **Broadcast antenna support structures and antennae located in residential zoning districts.**

1. Land mobile radio and radio and television broadcast antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - a. Alternative broadcast antenna support structures conforming to all applicable provisions of this ordinance and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
  - b. Antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received all required approvals and permits shall be permitted as an allowed use.
2. Broadcast antenna support structures and antennae shall be permitted in the agricultural-open space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
  - a. Broadcast antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
    - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures or roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
    - (2) Broadcast antenna support structures fifty feet or less in height.
      - b. Broadcast antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
      - c. Broadcast antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
      - d. Broadcast antenna or tower farms are permitted by special review.

- E. **Broadcast Antenna Support Structures and Antennae Located in Commercial Zoning Districts.**

1. Broadcast antenna support structures fifty feet in height or less shall be permitted as an allowed use.

2. Broadcast antenna support structures that exceed fifty feet in height or the maximum height limitations in the underlying commercial and industrial zoning districts (whichever is greater) are permitted by special review.
  3. Broadcast antenna or tower farms are permitted by special review, except in Entryway Zone and the CBD and HC zoning districts.
  4. All broadcast antenna support structures located in heavy industrial (HI) shall be permitted as an allowed use, including broadcast antenna or tower farms.
  5. All broadcast facilities located within the boundaries of an approved or pre-existing broadcast antenna or tower farm shall be permitted as an allowed use.
- F. General requirements. The requirements set forth in this section shall govern the location and construction of all land mobile radio service and radio and television transmission facilities governed by this chapter.
1. **Building Codes and Safety Standards.** To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.
  2. **Regulatory Compliance.** All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter.
  3. **Setbacks.**
    - a. **Broadcast antenna support structures adjacent to residential uses or zoning.** Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
    - b. **Commercial and Industrial Zoning Setbacks.** Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
    - c. **Broadcast Facilities in Broadcast Antenna or Tower Farms.** Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
  4. **Lot Coverage and Height.** Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.
  5. **Fencing and Buffering.**
    - a. **Fencing.** A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.
    - b. **Landscaping adjacent to residential uses and/or residential zoning.** For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together

to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.

A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the city to ensure the placement of required landscaping and fencing.

- c. Commercial Landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in Agricultural-Open Space or approved broadcast antenna or tower farms.
  - d. Exceptions for Laurel Airport. If federal safety and security standards prevent a broadcast antenna support structure from being fenced or landscaped, items (5)(a) and (5)(b) of this subsection will not apply. Documentation of these standards must be submitted with the special review applications.
6. Lighting. Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than twenty feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.
  7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.
  8. Maintenance.
    - a. Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
    - b. All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the city and/or county, so as to be safe, orderly, attractive, and in conformity with city and/or county codes including those regarding the removal of weeds, trash and landscape maintenance.
  9. Visual impact/aesthetics.
    - a. Broadcast antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
    - b. If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
    - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antennae arrays are prohibited on rooftop structures.
    - d. Broadcast antenna or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.
- G. Nonconforming broadcast facilities.

Broadcast facilities in existence on the date of the adoption of this chapter, that do not comply with the requirements of this chapter, are subject to the following provisions:

1. Nonconforming broadcast facilities may continue their present use, but may not be expanded without complying with these regulations, except as further provided in this section.
2. Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by fifty percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.
3. The owner of any nonconforming broadcast antenna support structure may make minor modifications in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennae, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

H. Modifications of Existing or Broadcast Facilities That Meet the Requirements of These Regulations.

1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows:
  - a. The addition of one or more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent.
  - b. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
  - c. Repairs to or replacement of existing antennae or feedlines or support members (such as guy wires) are not considered modifications under this part.
2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

I. Abandonment. Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

1. Re-use the facility or transfer it to another owner who will re-use it; or
2. Dismantle the facility. If the facility is not removed within ninety days of abandonment, the city and/or county may remove the facility at the facility and/or property owner's expense. If the facility is removed, city and/or county approval of the facility will expire. If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.

J. Special Review Submittal requirements. The applicant of new broadcast facilities shall provide the following documentation for review by the city-county planning board:

1. A map to scale showing the service area of the proposed broadcast facility;
2. A site/landscaping plan showing the following items:
  - a. North arrow.

- b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
  - c. Property boundaries and lot line dimensions.
  - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
  - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
  - f. Centerline and names of major and minor arterial streets relevant to the application.
  - g. Elevation drawing of proposed broadcast facility including the antenna support structure, antenna platforms and associated equipment enclosures.
  - h. Latitude, longitude and height of proposed antenna support structures.
  - i. Location of artificial light sources and the areas of illumination.
  - j. Applications for tower farms shall include items a through h and a general overall development plan showing the location of future structures and equipment enclosures.
  - k. Detailed landscaping plan of the site when applicable.
1. Other pertinent features as determined by the city.
  3. Area map showing adjoining property boundaries and the location of existing buildings within a distance equal to the required setbacks as set forth in subsection (F)(3) of this section.
  4. Documentation of minimum light requirements from the FAA or other local state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of the comments provided by the FAA. Where an application has been filed with the FAA for the services proposed and decision on minimum light requirements by the FAA is still pending, submittal of a copy of the proposed application shall be sufficient to meet the requirements of the is paragraph.
  5. When the applicant is a land mobile radio service provider, or a radio or television broadcaster, proof must be provided that the applicant is licensed by the FCC to provide the services that the proposed facility is designed to support or the applicant must prove the necessary application have been filed with the FCC and/or FAA for the services proposed, together with proof all filing fees have been paid.
- K. Special review uses.
1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The city of Laurel may issue special review approval under these sections provided they have determined that the requirements of these regulations have been satisfied.
  2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed broadcast facilities on surrounding properties.
  3. Expiration of Special Review Approval.
    - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. Within the city limits, a building permit must be applied for within six months of a special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extensions of the period to start construction upon written request by the applicant.

- b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.
  - c. Small increases in the height of existing antenna support structures approved by special review may be approved by the city-county planning board on an administrative basis provided that the increase in the height of the antenna support structure is ten percent or less.
  - d. Special review approvals for broadcast antenna or tower farms shall not expire until such time as all facilities within the boundaries of the antenna or tower farm have been abandoned.
- L. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
- M. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)



## Chapter 17.68 - SPECIAL REVIEW PROCEDURE

### Sections:

#### 17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

#### 17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
  1. A legal and general description of the tract(s) upon the special review use is sought;
  2. A map showing the dimensions, acreage and location of the tract(s);
  3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
  4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
  5. A time schedule for development;
  6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

#### 17.68.030 - Evaluation responsibility—Consultation—Notification.

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
  - 1. Grant the application for special review;
  - 2. Deny the application;
  - 3. Delay action on the application for a period not to exceed thirty days; or
  - 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
  - 1. Complies with all requirements of this section;
  - 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
  - 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
  - 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
    - a. Street and road capacity,
    - b. Ingress and egress to adjoining streets,
    - c. Off-street parking,
    - d. Fencing, screening and landscaping,
    - e. Building bulk and location,
    - f. Usable open space,
    - g. Signs and lighting,
    - h. Noise, vibration, air pollution and similar environmental influences.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

(Ord. 94-18, 1994; prior code § 17.88.050)