

INFORMATION ON THE COMMUNICATION TOWER (CT) OVERLAY DESIGNATION **JULY 29, 2010**

WHY IS THE COMMUNICATION TOWER (CT) OVERLAY DESIGNATION PROPOSED?

The increased use of cellular phones and the public demand for improved cellular service as well as wireless internet service has required the communications industry to increase the number of communication towers in our community, resulting in land use conflicts. Many borough residents are concerned that these towers could adversely affect the scenic nature of the landscape if placed in inappropriate areas and adversely affect the safety and value of their property. Further, Borough residents expressed that the public had no ability to comment on the development of communication towers in their neighborhoods.

The proposed overlay designation will significantly increase the opportunity Borough residents will have to voice their opinion through the conditional use permit process regarding the development of communication towers within their neighborhoods. On the other hand, communication tower developers will be affected, as they will be required to go through the approximately 30-Day conditional use permit process and pay a \$250.00 application fee. Developers may also need to prepare studies and diagrams for Planning Commission review. The Planning Commission will approve, approve with conditions or deny a permit after considering the criteria outlined in [Chapter 18.50.155](#). The actions of the Planning Commission are appealable to the Borough Assembly sitting as the Board of Adjustment.

WHAT IS AN OVERLAY DESIGNATION?

Overlay designations are included in [Chapter 18.48](#) of the Borough Title 18 Zoning Ordinance. An overlay designation can be applied to a certain geographic area on top of one or more existing zones. The overlay designations provide additional regulations not required by the underlying zone. The underlying zoning remains unchanged. An overlay designation is processed the same way as any other rezone application.

WHAT DOES THE COMMUNICATION TOWER (CT) OVERLAY DESIGNATION DO?

The Communication Tower (CT) Overlay Designation is intended to regulate the establishment and placement of communications towers within the most populated areas of the borough. The Telecommunications Act of 1996 places limits on the regulations the Borough can adopt related to the location of cell towers and similar structures. The Act prohibits the Borough from taking actions that would have the effect of prohibiting communication service. The Borough cannot "zone out" cell towers or have requirements that would create the same effect. However, cell tower location and aesthetics can be regulated as long as adequate service can be maintained.

When adopted and applied to a geographic area, this overlay designation requires that new communication towers obtain conditional use approval from the Planning Commission in the following zoning districts: General Use (GU-1 and GU-5), Light Commercial (LC), General Commercial (GC), Central Business District (CBD).

Even when the Communication Tower Overlay Designation is established, it will have no affect on property zoned Outdoor Recreational (OR), Rural and Agriculture 5 (RA-5), Rural Farmstead 2 (RF-2), Rural Farmstead 4 (RF-4), Rural Estates 2 (RE-2), Rural Estates 4 (RE-4), Rural Residential (RR), Single Family 5 (SF-5), Single Family 10 (SF-10), Single Family-20 (SF-20), Two-Family Residential (TF), Multiple-Family Residential (MF), Multiple-Family Residential/Professional Office (MFO), or Mineral Lands (ML). These zones already require conditional use approval for communication towers, and most have required conditional use approval since 1988.

Some zones are exempt from the Communication Tower Overlay Designation, so even if the overlay is applied, it will have no affect on property zoned Rural and Agricultural-10 (RA-10), Rural and Agricultural-20 (RA-20), Rural and Agricultural-40 (RA-40), Light Industrial (LI), or Heavy Industrial (HI). Communication towers are a permitted use in these zones and do not need conditional use

approval unless the tower exceeds 150 feet in height or there is more than one tower placed on the property.

WHAT IS CONDITIONAL USE APPROVAL AND HOW DOES IT WORK?

Conditional use approval is granted by the Planning Commission, after a public hearing, upon review and consideration of all required application material. ([Chapter 18.54.030](#)) When the proposed communication tower site is located within the city limits of Fairbanks or North Pole, surrounding property owners within 500 feet of the site are mailed notice of the public hearing. When the proposed communication tower site is located outside city limits, surrounding property owners within 1,000 feet are mailed notice of the public hearing. Notice of the public hearing is also published in the *Daily News-Miner* at least ten days prior to the public hearing. All property owners are encouraged to send comments and attend a Planning Commission meeting. The Planning Commission can place conditions on the approval to help ensure the communication tower better fits into a neighborhood. If the communications tower meets the criteria in [Chapter 18.50.155](#) of the zoning ordinance, the Planning Commission cannot deny the request for establishment of the communication tower. The actions of the Planning Commission are appealable to the Borough Assembly sitting as the Board of Adjustment.

Is Home Television and Amateur Radio Equipment Affected?

The Communication Tower (CT) Overlay Designation is designed to address cellular telephone towers and similar commercial communication towers and antennae. Title 18, the Borough's zoning ordinance, defines communication towers as:

A tower, pole, building or similar structure that supports a communications antenna operated above ground in a fixed location, freestanding or guyed. A communications towers is a principal building under this title.

An antenna is defined as:

A device, dish, or array used to transmit or receive telecommunications signals. This definition is not intended to include private residence mounted satellite dishes or television antennas or amateur radio equipment including ham or citizen band radio antennas.

Home television and all amateur radio equipment will not be affected by the communication tower (CT) overlay designation.

WHO IS AFFECTED?

You should receive a postcard in the mail by August 15, 2010 if your property is being considered for this overlay designation. The properties proposed for the communication tower overlay designation are shown on the [map](#) within the red border. If you have any question on whether or not you are affected, please contact us. mmussman@fnsb.us

WHAT AREA IS PROPOSED FOR THE COMMUNICATION TOWER (CT) OVERLAY DESIGNATION?

The area encompasses approximately 372 sections of land totaling just over 236,615 acres. While the proposed Communication Tower (CT) Overlay Designation includes the more populated areas of the Borough, the boundary also extends west to Lincoln Creek and Martin subdivisions; north to the intersection of Goldstream Road and Steese Highway; east to the Chena River Recreation Area; southeast to the Stringer Road area; and southwest to include Becker Ridge and the Cripple Creek area. The area proposed for this Communication Tower (CT) Overlay Designation is shown on the [map](#) within the red border.

HOW ARE WE INFORMING THE PUBLIC ABOUT THE PROPOSED COMMUNICATION TOWER (CT) OVERLAY DESIGNATION?

1. A postcard will be mailed to all current property owners, as listed in the Borough's Assessment Department records, within the proposed overlay area. The card will provide basic information on the process, public meeting dates, and Borough contact information.

- Five (5) public informational meetings are scheduled.

PUBLIC MEETING SCHEDULE

Day/Date	Place	Time
Wednesday, August 18	Two Rivers Grange Hall 444 N. Grange Hall Road	6:00—8:00 p.m.
Thursday, August 19	North Pole City Hall 125 Snowman Lane	6:00—8:00 p.m.
Monday, August 23	Ken Kunkel Community Center 2645 Goldstream Road	6:00—8:00 p.m.
Wednesday, August 25	Borough Assembly Chambers 809 Pioneer Road	6:00—8:00 p.m.
Thursday, August 26	Faith Baptist Church 910 Chena Pump Road	6:00—8:00 p.m.

- Display advertisements in the Fairbanks Daily News Miner each Sunday prior to the meetings. (August 8, August 15, and August 22)
- The meetings will be advertised through the Borough News Page, which is published in the Fairbanks Daily News Miner on Tuesday and Friday of each week and archived on the Borough's web page.
- Additional information regarding the proposed Communication Tower (CT) Overlay Designation will be distributed at Borough Libraries.
- Information will be distributed at the Tanana Valley State Fair. (August 6-14)
- An information meeting with cell tower providers will be held on at 2:00pm on August 27, 2010.

MEETINGS, HEARINGS AND ORDINANCE

The time line for [meetings, public hearings](#), and the draft ordinance establishing the Communication Tower Overlay Designation are available here: [ORDINANCE NO. 2010-34](#)

PUBLIC HEARING

The public hearing for the Communication Tower (CT) Overlay Designation (RZ2010-009) is scheduled for Tuesday, September 28, 2010 before the Planning Commission in the Borough Assembly Chambers.

COMMENTS

To submit comments, email Planning@fnsb.us

ADDITIONAL INFORMATION?

Please call the Department of Community Planning at 459-1260 or Planning@fnsb.us for further information.