

July 6, 1999

TOWNSHIP OF \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE LAND USE  
ORDINANCE OF THE TOWNSHIP OF \_\_\_\_\_,  
COUNTY OF \_\_\_\_\_, AND STATE OF NEW JERSEY  
IN ORDER TO PERMIT AND REGULATE THE  
INSTALLATION OF WIRELESS LOCAL  
COMMUNICATIONS FACILITIES AS A CONDITIONAL  
USE IN SPECIFIED AREAS OF THE TOWNSHIP**

1. PURPOSE

The purpose of this ordinance is to establish provisions regulating the number, location, design, and construction of local communications facilities - including towers, antennas, equipment sheds, and appurtenances - in order to accommodate the personal and commercial needs of the citizenry while protecting the health, safety, vitality, and general welfare of the community and its environment. The goals of this ordinance are:

- A. To provide for adequate wireless communications throughout the entire municipality while minimizing the total number of communications towers;
- B. To minimize the impact of local communications facilities, particularly towers, on areas of scenic and cultural significance to the municipality and the region;
- C. To encourage the location of such towers as are necessary in non-residential and non-recreational areas;
- D. To require the use of existing towers and other structures as support platforms for local communications facilities to the extent consistent with the purpose and the other goals of this ordinance;

- E. To require the co-location of local communications facilities of competing providers in order to reduce the number of required towers;
- F. To ensure that such towers are sited, constructed, and maintained in a manner which poses the fewest hazards to the general public as possible;
- G. To distinguish between those Pinelands zoning districts wherein the maximum height of local communications facilities is restricted and those in which there is no such height restriction; and
- H. To provide for the timely removal of local communications facilities and the restoration of the sites they occupied once they are permanently withdrawn from service.

2. DEFINITIONS

**ANTENNA** - The surface from which wireless radio signals are sent and received by a local communications facility.

**CO-LOCATION** - The use of a single tower on the ground by more than one provider and-or the installation of several local communications facilities on an existing building or structure by more than one provider.

**EQUIPMENT SHED/SHELTER** - An enclosed structure, cabinet, shed, or box at the base of the local communications facility within which are housed batteries and electrical equipment.

**LATTICE TOWER** - A freestanding tower with multiple legs and cross-bracing of structural steel.

**LOCAL COMMUNICATIONS FACILITY** - An antenna and any support structure, together with any accessory facilities, which complies with the standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-5.4) and which is intended to serve a limited, localized audience through point to point com-

*These new provisions in the CMP were meant for local communications that must be*

*locally sited because of their limited signal range, not general broadcasting - hence broadcast radio and TV were not included.*

munication, including, but not limited to, cellular telephone service, personal communications systems, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters.

**MONOPOLE** - A type of freestanding tower with a single shaft of wood, steel, or concrete and a platform (or racks) for antennas arrayed at the top.

**PROVIDER** - A company that provides wireless services via a local communications facility.

### 3. APPLICABILITY

- A. All new wireless local communications facilities, be they affixed to freestanding towers or mounted on existing structures, and any structures, equipment, or features accessory to the operation of said facilities, shall be subject to the provisions contained herein.
- B. Existing local communications facilities shall not be required to conform to the provisions contained herein until such time as they are to be altered for installation of additional facilities.

### 4. GENERAL PROVISIONS AND REQUIREMENTS

- A. Upon approval by the Planning Board, the construction and operation of local communication facilities shall be permitted as a conditional use in certain parts of the municipality subject to the provisions and limitations contained herein.
- B. All local communications facilities subject to the provisions herein which are located within the Pinelands Area shall comply with the standards of N.J.A.C. 7:50-5.4 of the Pinelands Comprehensive Management Plan and any comprehensive plan for such facilities approved by the Pinelands Commission in accordance with N.J.A.C. 7:50-

5.4(c)6.

*Towns may wish to require escrow fees for this purpose. This is included later in the model ordinance.*

- C. The municipality may seek, at the applicant's expense, independent expert advice on the specific locational need for, design, construction, and operation of local communications facilities to aid in the evaluation of applications for such facilities.
- D. The applicant for a local communication facility which involves construction of a freestanding tower more than 100 feet in height shall make space available on the tower for municipal communications needs to the municipality, if technical operating requirements allow. The municipality shall use such space solely for installation of communications devices for fire, police, or emergency medical services.
- E. The total number of local communications facilities in the municipality shall be the minimum necessary to provide adequate service. As such, no application for construction of a local communications facility shall be approved until the applicant has demonstrated that there is a need for the facility and that there is no existing, suitable facility within the service area which could be utilized. Citation in a comprehensive plan approved by the Pinelands Commission shall serve as evidence of the need for a facility in a general area but not as to the need for any specific site.
- F. The applicant shall agree in writing to submit certification to the Planning Board and the Pinelands Commission every five years that the proposed local communications facility is still in use and that its height cannot be decreased because of operational needs. Oversized facilities shall be reduced to the minimum height necessary for operational needs, as determined by the planning board, within twelve months of the certification.

*The cellular industry defined "adequate" in their approved plan. It is not meant to be optimal; conversely, the FCC has ruled that it must be comparable to hard wired service - thus such service must be accommodated everywhere in the municipality.*

*10' to 15' separation between antennas is routinely needed.*

*The placement of these facilities is interrelated; moving one a significant distance to take advantage of some structure may require an additional facility elsewhere.*

*Existing guyed tower, lattice towers, monopoles, electric utility transmission towers, fire towers, and water towers should, for example, all be considered.*

*Demolition and reconstruction of some small structures, such as fire towers, may be preferable to a new tower. Likewise existing telephone and electric utility structures may be useful if reconstructed.*

G. USE OF EXISTING STRUCTURES: The use of existing structures as support platforms for local communications facilities shall be required in all cases where consent of the structure's owner has been secured; use of the structure will not interfere with the signal emitted from other local communications facilities and is otherwise technically feasible; use of the structure will not increase the total number or affect the location of new towers that will be built in the municipality; and the following circumstances apply:

- i. Use of the structure will not require an expansion and the addition of a local communication facility does not harm the character and integrity of the existing structure;
- ii. Use of the structure will require an expansion in height but not in excess of 50% of its current height, area or massing profile, and it is either in a certified plan approved by the Pinelands Commission or it is an existing communication structure; or
- iii. Use of the structure will require an expansion in excess of 50% where the site is identified in a comprehensive plan approved by the Pinelands Commission and the expansion or reconstruction will preserve the current use and the visual impact of installation of expanded structure will be less than that of a new local communication facility.

H. The applicant shall agree that if a new tower is approved, co-location will be permitted unless technically infeasible. The applicant shall also agree that all of the local communication facilities under his or her control within the municipality shall be

made available for co-location purposes.

5. HEIGHT LIMITATIONS AND LOCATIONAL REQUIREMENTS FOR NEW LOCAL COMMUNICATION FACILITIES

*Within Regional Growth Areas, Pinelands Towns, and the developed portions of Military and Federal Installation Areas, the CMP permits the siting of local communications facilities with no restrictions, as long as the local ordinance complies with any comprehensive plan for siting facilities that the Commission has approved (by not excluding sites in these areas and thereby requiring additional towers in height restricted areas). For instance, the 200 foot height limitation need not apply, although the municipality may wish its own height restriction, and there is no requirement to demonstrate that the cumulative number of towers be the absolute minimum necessary to provide adequate service.*

*The names of the affected zones should be listed.*

*Again, the names of the affected zones should be listed.*

A. Non-Pinelands Zones and Non-Height Restricted Pinelands Zones: Within those zoning districts identified below, which are located within either the non- height regulated portion of the Pinelands Area or outside the Pinelands Area portion of the municipality, local communications facilities may be built to whatever height is the minimum necessary to provide adequate service, as demonstrated by the applicant and determined by the Planning Board.

- i. Within the Pinelands portion of the municipality:
  - a. Zones in Regional Growth Areas and Pinelands Town management areas
- ii. Within the non-Pinelands portion of the municipality:
  - b. Zones outside the Pinelands Area

B. New Towers in Pinelands Height Restricted Zones: The following provisions shall apply in those zoning districts which constitute the Preservation Area District, Forest Area, Agricultural Production Area, Special Agricultural Production Area, Rural Development Area, and Pinelands Village areas of the municipality.

- i. No application for construction of a new local communication facility tower shall be approved unless the comprehensive plan governing such facilities, referenced in Section 4.B. herein, has been approved by the Pinelands Commission.

*One such plan has been approved for cellular facilities. The Commission anticipates that Personal Communication Services (PCS) will also submit a plan in 1999.*

*The ability to expand to 200' feet is seen as key to ensuring co-location opportunities, thereby precluding a proliferation of new towers.*

*The technical needs of the provider are likely to be met only if the facility is sited fairly close to the center of the 5 mile radius.*

- ii. New local communications facility towers shall not exceed 200 feet in height, as measured from grade. Freestanding towers built to a lesser height shall be designed so that their height may be increased to a maximum of 200 feet if necessary to accommodate the needs of other local communications facilities.
- iii. All new local communications facility towers shall be located within the area consistent with the service need for the facility, but in no case beyond a five-mile radius of the area specified in the comprehensive plan referenced in subsection i. above. The applicant shall initially determine and demonstrate a technically feasible search area within this radius.
  - a. If the search area contains lands located both inside and outside the Pinelands Area or lands in more than one Pinelands management area, the applicant shall seek to site the facility in accordance with the following hierarchy, with the first designation being the location of greatest preference:
    - (1) Outside the Pinelands Area;
    - (2) Pinelands Regional Growth Areas, Pinelands Towns and the developed portions of Military and Federal Installation Areas;
    - (3) Pinelands Rural Development Areas, Agricultural Production Areas, undeveloped portions of Military and Federal Installation Areas and

*These are villages generally derived from the Forest Area, Agricultural Production Area and Preservation Area District. It is best to specifically list the names of the villages and zoning districts contained therein.*

Pinelands Villages other than those expressly identified in N.J.A.C. 7:50-5.4(c)6; and

- (4) The Pinelands Preservation Area District, Special Agricultural Production Areas, Forest Areas and the Pinelands Villages expressly identified in N.J.A.C. 7:50-5.4(c)6., provided that the resulting site does not cause an increase in the number of new towers in these areas from that identified in the approved plan.

- iv. Within the Preservation Area District, Forest Area, Special Agricultural Production Area, or Rural Development Area, new local communication facility towers shall be permitted only at the following locations:

- a. In a certified municipal commercial or industrial zone, including a mixed use zone which permits a variety of non-residential uses. If the facility is proposed in an industrial zone within the Forest or Preservation Area District where resource extraction is the primary permitted use, the facility shall be located on the parcel of an approved resource extraction operation in accordance with iv.c. below;

- b. On developed publicly owned lands within 500 feet of an existing structure, provided that the facility will be located on previously disturbed lands that have not subsequently been restored and that

*Again, it is best to specifically list any such zones.*

*“Mixed use” does not mean any residential zone within which one or two non-residential uses are permitted; rather, it means zones which permit a wide variety of general non-residential uses such as retail, office and industrial.*



*Vacant, undisturbed municipally owned sites are not eligible.*

- no facility will be located on State, county, or municipal conservation lands, State recreation lands or county and municipal lands used for low intensity recreational purposes;
  - c. On the parcel of an approved resource extraction operation, provided that the facility will be located on previously disturbed lands that have not subsequently been restored;
  - d. On the parcel of an existing first aid or fire station; or
  - e. On the parcel of an existing landfill, provided that the facility will be located on previously disturbed lands that have not subsequently been restored.
- v. To the extent feasible and consistent with other provisions contained in this ordinance, new local communication facility tower shall be sited in a manner which:
- a. Minimizes visual impacts as viewed from publicly dedicated roads and highways and from other areas frequented by the public by, in order of decreasing priority:
    - (1) Avoiding, to the maximum extent practicable, any direct line of sight from low intensive recreation facilities and campgrounds; and
    - (2) Minimizing the length of time that an antenna structure is visible from publicly dedicated roads and

highways;

*Sites in the approved cellular plan that may be a problem have been so noted in the plan.*

*No site in the approved cellular plan is in proximity to the Forked River Mountains.*

*Applicants must seriously address this standard before they settle on a final site; otherwise they may have wasted their time.*

- b. Avoids, to the maximum extent practicable, visual impacts as viewed from the wild and scenic rivers and special scenic corridors listed in N.J.A.C. 7:50-6.105(a), the Pine Plains and areas necessary to maintain the ecological integrity of the Pine Plains;
- c. Maintains a distance of at least five miles from the Forked River Mountains and otherwise minimize visual impacts as viewed from the Forked River Mountains; and
- d. Minimizes visual impacts as viewed from existing residential dwellings located on contiguous parcels through adherence to the buffer, setback and screening requirements established in Sections 5.C.iv and 6.I of this ordinance.
- vi. If multiple sites for new towers which meet all other qualifications are available, the site with the least visual impact shall be selected; if only a single qualifying site is available, the best location on the site that meets all other standards of this ordinance shall be selected.
- vii. The design and construction of all new local communications facility towers shall adhere to the provisions of N.J.A.C. 7:50-6.103-6.105 regarding setbacks from scenic corridors and in environmentally sensitive areas. Applicants shall employ design strategies intended to mask, disguise, or hide local communications facilities towers so that they blend into the natural background to the maximum extent

*Use of “stealth” technology should make sense and not preclude co-location opportunities (which it frequently does). Simulated trees , silos, church steeples, etc. are more appropriate for shorter towers. However, neutral paint color may be useful.*

possible.

- C. All Zoning Districts: The following provisions shall apply throughout the municipality.
- i. Local communications facilities shall be located so as to meet the technical operating requirements of the applicant and any potential co-locators who have expressed a desire to use the same facility.
  - ii. Local communications facilities shall be located, in order of preference, on:
    - a. Existing structures whose appearance would not be significantly altered (no more than de minimis change in their mass or height, and no impact upon a historic structure or structures within historic districts that have been designated in accordance with the provisions of N.J.A.C. 7:50-6.154, unless the installation can be accomplished consistent with the criteria of N.J.A.C. 7:50-6.156);
    - b. Other structures whose appearance would be significantly altered provided that the visual impact of the former would not exceed that of the eligible undeveloped sites; and
    - c. Undeveloped sites eligible for a new tower.
  - iv. All freestanding local communication facility towers shall maintain a minimum distance of 200 feet from any other structure not on the parcel, public road, sidewalk, residentially developed lot or recreational area and shall comply with the siting design provisions of

*As an alternative to this recommended 200' setback, a municipality may wish to rely on the underlying setback requirements of the zoning district in which a tower is to be located. In any case, the selected setback requirements must be reasonable, taking into consideration existing land tenure patterns. Setbacks should also be viewed as primarily safety-oriented standards (aesthetics and design considerations are contained elsewhere in this ordinance).*

B.v. above, where applicable. The Planning Board may reduce this setback requirement by as much as 50% of the required distance, if it finds that limited sites and land tenure necessitates such reduction and safety and visual impacts may be alternately addressed.

6. DESIGN AND CONSTRUCTION REQUIREMENTS

- A. All local communications facilities shall meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the state or federal government with relevant authority. If such standards or regulations are amended, the owners of local communications facilities in the municipality shall bring such facilities into compliance within six months of the effective date of such amendments. Failure to bring such facilities into compliance shall constitute grounds for removal of the facility by the municipality at the owner's expense.
- B. All new freestanding support towers shall be designed and constructed so as to accommodate the needs of any other local communications provider who has identified a need to locate a facility within an overlapping service area.
- C. All new freestanding support towers shall be of lattice type construction, except that monopoles may be employed if the applicant warrants that:
  - i. The tower can and will be expanded if necessary to the maximum height permitted within the zoning district to accommodate any other local communications provider who expresses a need to collocate; or
  - ii. If the tower cannot be expanded, it will be replaced, without service interruption to current users, by a tower which can

*See application requirements to see how this can be accomplished.*

*The issue of monopole use is complicated - they apparently cannot be built to 200' and support multiple users. Then, to meet this provision, everyone has*

*to agree that the monopole will be replaced if, and when, the need arises.*

accommodate the collocation needs of other communications providers.

D. Any accessory shed or other accessory structure shall be built solely to house equipment essential to the operation of the local communication facility and shall be designed, painted, and/or screened by year-round landscaping to blend in with the surrounding environs to the extent possible, as determined by the Planning Board. The structure shall be located as close to the antenna support structure as possible and shall not exceed 10 feet in height or 100 square feet in area, unless expressly authorized by the Planning Board. Only one such structure shall be permitted per facility user, unless a need is otherwise demonstrated to the Planning Board. If feasible, additional land for the equipment needs of future co-locators shall be secured in the purchase/lease of the selected site or be available by lease agreement.

*The applicant either needs to actually reserve space or obtain the ability to amend a lease to secure it. Obviously, if the site is too small, this does not apply.*

E. Any access road to the local communication facility shall be landscaped or be oriented in such a way as to preclude a direct view of the facility from a public venue.

F. Secure fencing may be required if the municipality determines that it is necessary for the safe operation of the facility.

*To better meet visual requirements, a more lengthy access road may be required. Note that roads at an angle are less visible to passersby.*

G. No artificial lighting may be attached to any local communications facility except as required by the Federal Aviation Administration or other regulatory authority with jurisdiction. Lighting of equipment and any other structures on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot candle measurement at the property line shall be 0.0 foot candles when measured at grade. Lighting shall be the minimum necessary to conform to applicable requirements.

*Alternatively, municipalities may wish to rely on and reference the fence provisions already contained in their land use ordinances.*

*State of the art lighting is less intrusive than older types. The 200' height limitation is helpful in that FAA lighting requirements become a factor above this*

H. No signs will be attached to any local

height.

communications facility except as is necessary to provide operational or maintenance instructions or warnings to the general public. No sign will be attached at a level more than 10 feet above grade. The use of any portion of a facility for any form of advertising is prohibited.

I. The following standards shall apply to clearing and landscaping for construction of new local communications facilities:

i. Clearing of existing vegetation shall be limited to the minimum necessary to allow for access to and operation of the facility;

ii. The lower portions of local communications facilities which will be located adjacent to residential zones, recreational areas, or public roads shall be screened at ground level from public view to the maximum extent practical in the following manner:

a. One or more rows of evergreen trees, at least four feet in height when planted and capable of forming a continuous hedge at least fifteen feet in height within five years of planting, shall be required and spaced not more than seven feet apart around all lattice towers and any monopole over 50 feet in height;

b. Adjacent to residential zones and recreational areas, an additional row of deciduous trees no less than 1 and ½ inches in diameter measured three feet above grade, and spaced not more than 20 feet apart shall be planted around the evergreen trees;

c. The screening shall be maintained and replaced as necessary while the

*Alternatively, municipalities may wish to rely on and reference the existing screening/landscaping provisions elsewhere in their land use ordinances.*

*Some towns require a third row of more mature (taller) evergreens near homes.*

facility is in service.

- J. Local communication facilities mounted on an existing structure shall be painted or shielded with material which is consistent with the design features and materials of the structure. To the extent that any local communication facility or its supporting structure extend above the height of the vegetation immediately surrounding it, they shall be painted in a light gray or light blue hue which blends with sky and clouds.

## 7. MAINTENANCE AND OPERATION REQUIREMENTS

*Note that screening cannot be total given the size of such structures.*

- A. The owner of a local communication facility shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Such maintenance shall include, but is not limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer area and landscaping. If, upon inspection, the municipality concludes that a facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring the facility into compliance with such standards. Failure to bring such facility into compliance within the thirty day period shall constitute grounds for the removal of the facility at the owner's expense.
- B. No application for installation of a local communications facility shall be approved unless the applicant has submitted evidence that a surety bond has been established which will provide for removal of the facility and restoration of the disturbed area in accordance with N.J.A.C. 7:50-6.24 within twelve months of its ceasing to operate. In any event, the municipality shall, at the expense of the owner, remove any such facility which has been out

of operation for a period greater than twelve months.

- C. All local communications facilities shall be operated in a manner consistent with the “Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation,” as published and amended from time to time by the Federal Communications Commission.
- D. Local communications facilities adjacent to residential or public recreational areas shall not increase the ambient noise level nor cause any persistent level of vibration in excess of 50 db beyond the property lines of the parcel on which they are situated.
- E. At annual intervals from the date of the issuance of the conditional use permit, the applicant shall submit measurement of the noise and the radiofrequency radiation from the local communication facility. Such measurements shall be made by a qualified technician and shall certify that they are within applicable limits.

## 8. APPLICATION REQUIREMENTS

- A. Pre-application conference: Early consultation by applicants with municipal officials and representatives of the Pinelands Commission is encouraged so that all information necessary for an informed decision is submitted and delays are avoided. As such, prior to submission of a development application for approval of a local communications facility in accordance with this Section, the applicant may request to convene with the Planning Board at a public meeting in order to discuss the proposed facility in general terms and to clarify the filing requirements. Upon receipt of a written request for a pre-application conference, the Planning Board will meet with the applicant at the next regularly scheduled meeting of the Board for which adequate public notice can be provided.



While there are no formal filing requirements for this conference, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Board of the general location and likely scale and design of the facility. Failure to request such a conference will not prejudice any subsequent consideration of a formal application by the Planning Board.

- B. New local communication facilities shall require conditional use approval and major site plan approval by the Planning Board. All persons seeking to build such a facility must submit an application to the Planning Board which contains the following information:
- i. A scaled site plan clearly indicating the location (including street address and block/lot), type, method of construction and height of any proposed tower and any accessory structure(s); on-site land uses and zoning; contour lines at no greater than five foot intervals AMSL; existing structures; land uses and zoning within 200 feet (including adjacent municipalities); any roads within 200 feet; proposed means of access; limits of clearing; and setbacks from property lines;
  - ii. Photographs of the proposed site of the facility showing current conditions;
  - iii. The setback distance from the nearest structure;
  - iv. A map showing the location of all other local communication facility towers and other structures within the municipality as well as outside of the municipality within a five-mile radius. The applicant shall also identify the height and type of construction of all such structures;

- v. A landscape plan showing proposed landscaping;
- vi. The location and type of proposed fencing, if applicable, and the type, location, color, and power of any illumination;
- vii. An assessment of the suitability of the use of existing towers or other structures within the search area to accommodate the local communications facility in lieu of a tower, if a new tower is proposed;
- viii. An assessment of the suitability of the site to accommodate additional equipment sheds and similar needs of other wireless providers who may wish to co-locate on the proposed facility;
- ix. For facilities proposed in the Pinelands Area, a notarized statement indicating that the applicant will abide by the provisions of “Exhibit B Co-location Opportunities for Wireless Providers in the Pinelands” contained in the Comprehensive Plan for Wireless Communications Facilities in the Pinelands approved by the Pinelands Commission on September 11, 1998;
- x. Written confirmation from any other wireless providers who have expressed a desire to co-locate on the proposed facility (either by inclusion of the site in a comprehensive plan approved by the Pinelands Commission or at any public meeting on the application) that the selected site meets their operational needs and space requirements for equipment sheds and the like; and
- xi. A Certificate of Filing issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34.

- xii. Computer simulation models, photographic juxtaposition and similar techniques are not mandated, but, if submitted in support of e application, may be used by the planning board in determining conformance with the visual impact standards of section 5.B.v. of this ordinance. Such materials may also aid in assessing the consistency of the application with N.J.A.C. 7:50-5.4.
- xiii. In the event that co-location is found not to be feasible, a written statement of explanation shall be submitted to the Planning Board. The Planning Board may retain a technical expert in the field of radiofrequency engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to the co-location, or that a new tower has less visual impact at an alternative site. The cost for such a technical expert will be at the expense of the applicant.
- xiv. A plot plan, survey and all other plans and documents required for site plan approval by Section \_\_\_ of this ordinance.

C. The municipality permits wireless communications providers to submit a single application for approval of multiple facilities.

D. Federal Environmental Requirements:

- i. The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment be filed with

*Reference should be added here to the site plan application requirements contained elsewhere in the municipality's land use ordinance.*

*This may save in the total cost of hiring experts to review*

*applications.*

the FCC prior to beginning operations for certain facilities. The environmental assessment must be submitted as part of any municipal application for such a facility.

- ii. Federal regulations also require avoidance of siting of new towers in proximity to designated Wild and Scenic Rivers. If an applicant proposes to locate a new tower in proximity to a designated river, proof of federal review and approval of such siting must be submitted as part of any municipal application for such a facility.