

Attachments

APPLICATION FORM

COUNTY Special Review

COUNTY Special Review # 335 - Project # PZX-23-00182

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: CX - Heavy Commercial

Special Review Requested: Add a 10' extension onto an existing 110' cell tower and support equipment to be located inside of an existing support compound. This proposal is covered under the Code of Federal Regulations; Title 47; Section 1.6100 Wireless Facility Modifications.

PROPERTY TAX ID# 03-0927-18-3-01-01-4001 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S18, T01 S, R26 E, SD 23UF, CELL TOWER @ D1913 **CENTRALLY ASSESSED**
I00168 - WCF at 6132 S Frontage Rd D01913A- Land at 6134 S Frontage Rd

Address or General Location (If unknown, contact County Public Works): _____
6132 South Frontage Rd., Billings, MT 59101

Size of Parcel (Area & Dimensions): .05 acres, 2,280 sq.ft.

Present Land-Use: Wireless Communication Facility

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Sharon Ingraham
(Recorded Owner)
6132 S FRONTAGE RD, BILLINGS MT 59101-6381
(Address)
406/656-3955
(Phone Number) (email)

Agent(s): Zach Phillips with Crown Castle (CCATT LLC)
(Name)
1842 SW Lobelia St., Portland, OR 97219
(Address)
503/708-9200 zach.phillips@crowncastle.com
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: See attached redacted lease. Zach Phillips for CCATT LLC  Date: 9/15/23
(Recorded Owner)



Date Stamp

County Special Review 2023-24

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1505 Westlake Ave N
Seattle, WA 98109

Phone: (503) 708-9200
www.crowncastle.com

September 17, 2023

STATE OF MONTANA DEPARTMENT OF LABOR & INDUSTRY
Building Codes Program
301 SOUTH PARK, 4TH FLOOR/PO BOX 200513
HELENA, MT 59620-0513

Via Electronic Delivery

*****NOTICE OF ELIGIBLE FACILITIES REQUEST*****

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409
Site Address: 6132 SOUTH FRONTAGE ROAD, BILLINGS, MT 59101
Crown Site Number: 858415 / Crown Site Name: ZOD_ALLTEL_MTBL_FUDDS
Customer Site Number: MT06024A / Application Number: 616533

Attention Building Codes Program:

On behalf of T-Mobile West LLC (“T-Mobile” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an Eligible Facilities Request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission (“FCC”).²

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³ Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for written notice of incomplete application is October 17, 2023, and the deadline for issuance of approval is November 16, 2023.

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com

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The proposed scope of work for this project includes:

Add or replace antennas, ancillary equipment and ground equipment as per plans for an existing carrier on an existing wireless communication facility.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) County Special Review Application;
- (2) Construction Drawings;
- (3) Structural Analysis; and
- (4) Section 6409 Substantial Change Checklist.

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

Zach Phillips

Zach Phillips
Site Acquisition Specialist
Crown Castle, Agent for Applicant
(503) 708-9200
Zach.Phillips@crowncastle.com

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Section 6409 Substantial Change Checklist Towers Outside of the Public Right of Way

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

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Checklist

1. Complete the application form at the back of this application packet.

Response: *The application has been filled out and attached. Crown Castle under its entity CCATT LLC has rights to modify the cell tower and equipment area. A redacted lease has been provided.*

2. Request a radius map, a surrounding owners list and mailing labels for the required pre-application neighborhood meeting. (See Page -2-)

Response: *Radius map from the City of Billings and reviewed and approved by Yellowstone County has been included.*

3. Conduct the pre-application neighborhood meeting (YC Zoning Section 27-1604) as required. Prepare copies pre-application meeting materials including the owner's statement affirming the meeting was held and the application is based on the material presented at the meeting.

Response: *Of the five notified property owners only Sharon Ingraham, the ground landlord attended the meeting. She signed the attached "Public Meeting Attendance." Construction Plans and Photo-simulations were provided. I spoke with Sharon about some of the concerns she had with the recent Dish installation and how the previous tower extension was staged. I let Sharon know that I would ensure there were construction notes added telling the General Contractor to talk with Sharon before construction starts and plan out where equipment would go.*

4. Prepare a brief synopsis of the pre-application meeting result, a roster of the persons who attended and audio or written minutes of the meeting.

Response: *Of the five notified property owners only Sharon Ingraham, the ground landlord attended the meeting. She signed the attached "Public Meeting Attendance." Construction Plans and Photo-simulations were provided. I spoke with Sharon about some of the concerns she had with the recent Dish installation and how the previous tower extension was staged. I let Sharon know that I would ensure there were construction notes added telling the General Contractor to talk with Sharon before construction starts and plan out where equipment would go.*

5. Submit the map and list to the MT Department of Revenue to obtain a certified list of the property owner names and mailing addresses.

Response: *See the attached "State Certified Mailing List" and "State Certified Mailing Radius."*

6. Place the certified names and mailing addresses on the blank mailing labels (provided by Planning Division).

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Response: *I did not receive blank mailing labels. I used Avery 5260 blank labels and exported the data from the approved mailing list, see attached "Mailing Labels."*

7. Include the map, certified list, and completed mailing labels with the completed application.

Response: *See answers to 2. and 6.*

8. Prepare a written statement to the Board of Adjustment and include the following information:

Response: *A narrative has been provided showing how this proposal meets federal law under the Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications. The modifications are typical to a facility meeting these requirements, often referred to as 6409. Typically, this kind of review is done administratively.*

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Response: *The proposed cell tower modifications are intended to provide better coverage and coverage options to nearby residents that use wireless communication.*

B. How the site is adequate in size and location to accommodate the proposed use while still meeting all of the zone district requirements such as landscaping and parking.

Response: *This is an unmanned facility that is already being used for wireless communication. There will not be an increase in the footprint of the equipment compound, which is surrounded by a landscape buffer. The facility is located on land that is zoned CX – Heavy Industrial and is surrounded by properties that are similarly zoned.*

C. How the proposed use is compatible with nearby uses and how the applicant intends to mitigate any potential impacts.

Response: *This is an existing 110' cell tower in a Heavy Industrial zone. The siting of T-Mobile onto the existing tower versus building a new tower mitigates the impacts of a new facility. The ground footprint doesn't increase, and the existing facility already has an existing landscape screen. It is also located away from residential zones in a Heavy Industrial zone near I-90.*

D. How the proposed use will not impede the normal improvement of surrounding property.

Response: *This is an unmanned facility and once it is constructed will have no impacts to surrounding property. Cell facilities typically average about one tech visit per month. That work usually is with the equipment in the support cabinets.*

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