

Date received by Planning Office	
Number of Towers (\$150 per system/tower)	
Waiver Requested (\$500)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Fee	

SUBJECT PROPERTY (Attach Additional Sheet(s) with Additional Information for Multiple Locations)	
Site Address/Addresses	
Deed Book / Page Number	
Property Owner	
Leaseholder	
APPLICANT	
Applicant's Name	
Agent's Name	
Agent's Telephone	

The Comprehensive Plan for Owensboro, Whitesville, and Daviess County, KY, recommends that the Owensboro Metropolitan Planning Commission work cooperatively with the service providers of cellular telecommunications services or personal communications services and use the following list of recommended criteria when evaluating the siting of service facilities.

- ◆ The OMPC will request submission of an “annual plan” covering the applicant’s present telecommunications towers, co-location sites, and next year network build-out of telecommunications facilities within Daviess County.
- ◆ Service providers should be required to co-locate or share towers/facilities with other providers in order to minimize the proliferation of towers/facilities.
- ◆ Wherever possible, service providers should be required to use existing poles, structures or facilities that meet all of the requirements of the proposed installation. For example, existing or replaced utility poles, water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc., in order to minimize the proliferation of new towers/facilities.

- ◆ Potential sites that should be considered (in order from most-preferred to least-preferred) include existing utility towers, existing utility poles, existing buildings and structures, new poles in public utility easements, and new poles in the public right-of way.
- ◆ Towers should be camouflaged or designed in such a manner to blend into the surrounding area. Poles should be designed to match existing street light poles, etc.
- ◆ When the facility is no longer required, the owner should remove it and restore the land to its natural state.

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Application

Applications for the construction of Small Cellular Systems or Towers for cellular telecommunications services or personal communications services may choose to provide either the Uniform Application per KRS.100.9865 or in lieu of the Uniform Application submit all required information as per the Owensboro Metropolitan Zoning Ordinance Article 20, Section 20-8(b). If any waivers of Section 20-9 of the Zoning Ordinance are requested the application must go to the Planning Commission for consideration and a fee of \$500 shall be submitted.

Confidentiality

All information contained in the application and any updates, **except for any map or other information that specifically identifies the proposed location of the cellular antenna tower** then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The OMPC shall deny any public request for the inspection of this information, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applicant. **The OMPC will request that the applicant waive confidentiality on the contents of the application, with the exception of the contents of the utility's "annual plan" as discussed above.**

OMPC Review

The OMPC staff (or full Commission if waivers are requested) shall review the application in light of its agreement with the **Comprehensive Plan** (see above) and locally adopted zoning regulations; make its final decision to approve or disapprove the uniform application; and advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the OMPC or within a date certain specified in a written agreement between the OMPC and the applicant. In regulating the placement of cellular antenna towers, the OMPC shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the regulations of the FCC concerning radio frequency emissions; shall not institute a moratorium upon the siting of cellular antenna towers; shall not regulate the placement of antennas or related equipment on an existing structure; or shall not require the submission of application materials in addition to those required by statute, unless agreed by both parties.

Co-location

The OMPC may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. If the OMPC requires the applicant to attempt co-location, the applicant shall provide the OMPC with a statement indicating that the applicant has successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applying applicant will co-locate its transmission and related facilities; or, unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that identifies the location of the towers or other structures on which the applicant attempted to co-locate and lists the reasons why the co-location was unsuccessful in each instance. The OMPC may deny an application to construct a small cellular system or tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures. In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

After OMPC Action

Upon the approval of an application for the construction of a small cellular system or tower by the OMPC, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. If an applicant fails to file notice of an approved uniform application with the PSC, the applicant shall be prohibited from beginning construction on the small cellular system or tower until such notice has been made. A party aggrieved by a final action of the OMPC under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.