

**TO: The Honorable Chairperson and
Board of County Commissioners**

FROM: Wilanne Daniels

SUBJECT: Request: Board approval of construction of a 300-foot tall Wireless Telecommunications Facility (aka VCI/SouthernLinc Round Lake) on property leased from Edward Cambre and Judith Byars-Cambre off Reedy Creek Road in unincorporated Jackson County - Wilanne Daniels, Community Development Director

Background: The request is for approval of a Type 2 Wireless Telecommunications Facility (300-feet tall) which will occupy an approximately 10,000 square foot area along with Guy easements and designed to support the location of at least three antennas, equipment shelters/cabinets with landscape buffer.

Previous Action: Planning Staff and the Planning Commission at its August 21, 2017 meeting recommended approval for the proposed 300-foot tall Wireless Telecommunications Facility to be located on property owned by Edward Cambre and Judith Byarts-Cambre off Reedy Creek Road with the eight (8) conditions as noted on Page 13 in the Planning Staff Report dated August 15, 2017.

**Amount of Funds to
Be Expended or
Requested:**

Source of Funds:

Originating Office: **Community Development**

Reviewed By:	Wilanne Daniels	Created/Initiated
	Kristie Cloud	Approved
	Michelle Jordan	Approved
	Pamela Pichard	New
	Ernie Padgett	

Recommendation: **Accept**

Potential Motion: Approve construction of a 300-foot tall Wireless Telecommunications Facility on property leased from Edward Cambre and Judith Byars-Cambre off Reedy Creek Road in unincorporated Jackson County with the eight (8) conditions as noted on Page 13 of the Planning Staff Report dated August 15, 2017.

**JACKSON COUNTY
COMMUNITY DEVELOPMENT – PLANNING DEPARTMENT
STAFF REPORT**

DATE OF REVIEW: August 15, 2017

PROJECT NAME: VCI/Round Lake/Southern Linc

PARCEL NUMBER: 24-3n-12-0000-0200-0000

PROJECT SUMMARY: The request is to construct a 300-foot tall Wireless Telecommunications Facility on property leased from Edward Cambre and Judith Byars-Cambre on Reedy Creek Rd in unincorporated Jackson County.

SIGN POSTED: Sign posted on August 4, 2017

NOTIFICATIONS: Notification letters mailed to surrounding property owners on August 4, 2017.

OWNER: Edward and Judith Byars-Cambre
2441 Reedy Creek Rd
Alford, FL 32420

APPLICANT: Value Concepts, Inc. for Southern Linc
1790 Atkinson Rd, Suite D100
Lawrenceville, GA 30043

CONTACT PERSON: Buddy Robinson

TYPE OF REVIEW: Wireless Telecommunications Facility Application (Type 2)

STAFF PLANNER: krca

FUTURE LAND USE: Agriculture 2 (AG2)

INSIDE USA: No

PARCEL SIZE: Total parcel is 28 acres mol

DENSITY/ACRE: 60% Impervious Surface Ratio

LOCATION: Located approximately one-tenth (0.1) mile east of Highway 231 on the south side of Reedy Creek Road in unincorporated Jackson County.

ROADWAY ACCESS: Applicant is proposing a 40-foot wide non-exclusive access and utility easement from Reedy Creek Road.

Comment [WD1]: The Jackson County Planning Commission recommended approval with reducing the height of the tower to meet the aviation section of the Jackson County Code. Staff contacted the City of Marianna on 2/21/17 for the exact allowable height.

APPROVAL BODY: Planning Commission recommendation to the BOCC

COUNTY ENGINEER COMMENTS: **The County Engineer sent a statement of no comments** (See File).

F.A.A.: Determination of no hazard to air navigation was received on July 24, 2017 (See File).

PLANNING STAFF REVIEW

Future Land Use Designation Agriculture 2 (AG2) Comprehensive Plan Future Land Use Element Policies 2.2(2) and 3.3(3) and Code of Ordinances Sec. 74-103(b)(2):

This land use classification is intended for those areas of the County associated with agriculture and agriculture-related activities.

Restrictions on commercial and non-residential land uses shall not apply to land uses that are functionally related to communications facilities. Such land uses shall require approval as a special exception.

This site is considered to be a communications facility and shall require approval as a special exception to the AG2 Future Land Use Element Policies.

Criteria for Approval (Code of Ordinances Section 74)

I. Generally:

- A. **Change of Use:** The property under review is currently part of a residential property classified as timberland. The request is to place a 300-foot guyed telecommunications tower on the site. Change of use means any use of land which is not identical in nature and intensity to the current use of the same land or parcels of land (*Code of Ordinances Sec. 74-91 definitions*).
- B. **Compatibility with Adjacent Uses:** The site is located within an existing wooded area. The surrounding area could be described as predominately agricultural in nature (*Comprehensive Plan Future Land Use Element Policy 2.2(2) and Code of Ordinances Sec. 74-444(a)(4)(d)*).
- C. **Consistency with the Comprehensive Plan:** All proposed subdivisions or development shall be designed to be consistent with the adopted comprehensive plan as amended. All proposed subdivisions or development shall be designed to comply with at least the future land use designations, building regulations, concurrency, and environmental requirements from State, Federal and local agencies and such other applicable regulations, ordinances and policies for the area in which the proposed subdivisions or development shall be located.

The proposed telecommunications tower will occupy an area approximately 10,000 square feet with leased access to Reedy Creek Road. The development as proposed is consistent with the county regulations which allow towers in the AG2 future land use category (*Comprehensive Plan Future Land Use Element Policies 2.2(2) and 3.3(3), Code of Ordinances Sections 74-103(b)(2) and 74-444(a)(4)(d)*).

II. Procedure for Review and Approval of Site and Development Plans:

A. Wireless Telecommunications Facilities *Code of Ordinances Division 6:*

- (1) Wireless telecommunications facilities, shall be located on certain types of sites, in accordance with the following priorities, with “a.” being the highest priority and “d.6.” being the lowest priority.
 - a. Antenna placement on existing towers or other existing structures;
 - b. Antenna placement on replacement structures or replacement towers;
 - c. Camouflaged towers;
 - d. New telecommunication towers on:
 1. County-owned properties
 2. Properties in areas designated for industrial use
 3. Properties in areas zoned for commercial and mixed use;
 4. Properties in areas zoned for agricultural use;
 5. Properties in areas zoned for residential use with nonresidential uses (such as schools, churches, parks, or government uses);
 6. Other properties.
- (2) If the proposed type of site chosen is not the highest priority listed above, then a detailed explanation must be provided as to why a site type of a higher priority that is located within the provider’s search ring was not selected. An applicant may not by-pass locations of higher priority simply by stating the location presented is the only location leased or selected. Commercial or other impracticability (including but not limited to, unreasonable design compromises), evidence that the higher priority site will create greater visual impacts, or other conflicts with the goals and intent of this division shall be acceptable grounds for choosing a lower priority site. An application for a new camouflage tower or new telecommunication tower shall explain why antenna placement on an existing structure is commercially or otherwise impracticable.

The applicant attached a statement to the application explaining why a higher priority site was not chosen (See File).

B. Towers *Code of Ordinances, Sec. 74-448:*

- (1) New telecommunication towers shall be reviewed as follows:
 1. Type (1) development order (per section 74-97(a)(2) of the Jackson County Code):
 - (a) New telecommunication towers of a monopole design, 140 feet or less in total height, that do not require FAA lighting; or

- (b) New telecommunication towers of a monopole design, less than 200 feet in total height, that do not require FAA lighting, and are located on county-owned property or industrially, commercially, mixed use or agriculturally zoned/designated property.
2. Type (2) development order (per section 74-97(b) of the Jackson County Code): all other new telecommunication towers.

The proposed telecommunications tower is greater than 200 feet in total height and requires FAA lighting therefore requiring a Type (2) development order review.

- (2) Review of the applications for new telecommunication towers shall be noticed to surrounding property owners as follows:
 - (a) For application for a Type (2) development order, the applicant shall mail the following no later than fourteen calendar days before the planning commission review of the application, to property owners within 300 feet of the base of the tower (1) written notices of the request and (2) public hearing dates, meeting location, and times scheduled for the review of the request.

Letters were mailed by Community Development to all surrounding property owners on August 4, 2017 for the purpose of notifying them of the applicant's intent to develop a tower on adjacent property. There are at least three (3) property owners within 300 feet of the base of the tower the applicant will be required to notice the property owners as required in Sec. 74-448(b)(2)(b) (See File).

- (3) For new telecommunication towers, the use of the least visually intrusive type of tower is encouraged. It is presumed that monopole towers will be the least intrusive type of tower unless this presumption can be shown to be inapplicable in a specific request.

The applicant is proposing a guyed tower; this is considered to be the most appropriate type of tower due to the height proposed.

- (4) So as to not limit the development potential of the property on which the tower is located, guyed telecommunication towers (those at least partially supported or held in place by guy wires) shall be restricted to areas zoned or designated for agriculture or rural uses, unless the applicant can demonstrate that the development potential will not be significantly impacted by the guyed tower design or that there is not reasonable alternative to the use of a guyed tower.

The Future Land Use Designation of the area is AG2 and the predominant use in the area is agricultural in nature. The proposal to use guy wires for the tower meets the regulatory requirements for Jackson County.

- (5) All new telecommunication towers shall, at a minimum, be setback from property boundaries a distance consistent with other principal uses in the zone in which it is located. If the new telecommunication tower is to be located on property adjacent to residentially designated property, the telecommunication tower shall be setback from said residentially designated property a minimum distance equal

to one third the height of the tower or the area within which a Florida licensed professional or structural engineer certifies that the zone for the proposed telecommunication tower, a setback the distance equal to the height of the proposed telecommunications tower shall be used instead. Guy anchors for guyed towers shall be located a minimum of 25 feet from any property boundary and the guy wires for a guyed tower shall not cross over any public road right-of-way, without specific height clearance from the applicable entity controlling the public road right-of-way.

The proposed tower is located in AG2. The base of the tower is proposed to be set back from the nearest shared property line a distance of greater than 200 feet. This distance meets the requirement of a minimum of 1/3 the height of the tower (100 feet). The guy anchors are proposed to be located greater than 25 feet from any property boundary; the guy wires do not cross over any public road right-of-way.

- (6) Equipment shelters/cabinets and the base of the telecommunication tower shall be screened by a landscape buffer consistent with that required if the equipment shelters/cabinets and tower were a general commercial use.

The proposed equipment shelter/cabinet for the site will be screened by a buffer of chain link fencing, emerald green arborvitae, sweet viburnum, and live oak.

- (7) All telecommunication towers and the supporting telecommunication site shall be designed to support the location of at least three antennas.

The proposed tower is designed to support co-location (See File).

C. Application requirements Code of Ordinances Sec. 74-449:

An applicant shall submit to the Jackson County Community Development Department the number of completed applications determined by the county at the pre-application meeting.

The applicant submitted a sufficient number of copies.

1. For all applications:
 - a. Written confirmation of the involvement of a licensed provider in the application through the provider's status as applicant, co-applicant or as signed leasee to place the proposed antennas. Letters of intent shall not be sufficient evidence.

A copy of the lease agreement was provided on July 24, 2017 (See File).

- b. A copy of the FCC/FAA license applicable for the provider.

A copy of the FCC/FAA approval was provided on July 24, 2017 (See File).

2. For all towers:

- a. A detailed explanation of why a location in the search ring, of a higher priority, as indicated in *Sec. 74-444*, was not selected.

A detailed explanation of why the specific location was chosen was included in the application (See File).

- b. To show that there is no existing structure on which the proposed antennas could be reasonably placed:

1. A copy of the applicable provider's search ring. For a tower proposed to provide broadcast services, a copy of the FCC broadcast license tower location area shall be substituted for the search ring.
2. The location (by latitude and longitude coordinates) and height of any structure in the search ring and within one-half mile of the outer edge of the certified search ring that is 75 percent, or greater, of the proposed tower height
 - i. If there are any such structures, a written explanation by the provider's radio frequency engineer as to whether each structure will or will not meet the provider's radio frequency design criteria in substantially the same manner as the proposed tower; and
 - ii. For those structures that will substantially meet the design criteria, the applicant shall submit a written report demonstrating efforts made to place the proposed antennas on any such structure and the results or status of such efforts.

A search ring map was included with the application (See File). A written explanation and copy of the FCC broadcast license tower location area were provided with the application. A written account of all location requirements was submitted with the application.

- c. The applicant shall provide a written explanation from the applicable provider's radio-frequency engineer explaining and justifying the need for the proposed height of the tower to meet the provider's design criteria.

A statement of justification for the height was submitted at the time of application (See File).

- d. The county may request any of the following information to confirm the required radio frequency engineer's explanation of the unsuitability of existing structures and the justification for the height:

1. A general explanation of the provider's design criteria;

2. Propagation studies of the provider's proposed site and all adjoining existing sites;
3. The frequency, modulation and class of service of the transmitting equipment;
4. Transmission and maximum effective radiated power of the provider's proposed and adjacent existing antenna;
5. Direction of maximum lobes and associated radiation of the provider's proposed and adjacent existing antenna; or
6. Copy of the broadcast services license.

A propagation study was submitted upon application. No further information is required at this time.

- e. The applicant shall submit to the county a letter of intent committing the owner of the proposed new tower, and any successors in interest, to negotiate in good faith for shared use of the proposed tower by other providers in the future. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the development order. The letter shall commit the new tower owner and successors in interest to:
 1. Respond within a reasonable time to a request for information from a potential shared-use applicant;
 2. Negotiate in good faith concerning requests for shared use of the new tower by other providers;
 3. Allow shared use of the new tower if another provider agrees in writing to commercially reasonable terms.

The required letter was submitted with the proposed application (See File).

3. Applications for wireless telecommunications facilities subject to type (2) review shall include the following materials, as applicable:
 - a. Towers.
 1. A written explanation of why the tower cannot be reviewed as a type (1) development order and the evidence that justifies the type (2) request.
 2. Photo-simulations of the proposed tower on the site, based on a minimum of four photographs taken from points in residential areas and public streets within one-half mile of the proposed tower location where the proposed tower will be most visible.
 3. For towers that are required to be lighted by applicable FAA requirements or the applicant chooses to light the tower, a detailed lighting plan, including but not limited to, the type of lighting proposed, the output of the lighting, any shielding proposed, and FAA lighting requirements applicable to the tower.

4. A visual impact assessment, which shall include: an assessment of the visual impact of the tower and antenna from abutting and adjacent properties and streets, drawings, including elevations, depicting the proposed telecommunication tower relative to other structures on the subject parcel and adjacent parcels, setbacks from the property boundaries and the location of nearest residential structure.
5. A depiction or description, in writing and/or by drawing, of how the proposed telecommunication tower base and all related facilities and structures shall be effectively screened from view, including, as applicable, the type, locations and dimensions of all proposed and existing landscaping, and fencing.
6. For towers other than camouflaged and monopole towers:
 - i. A description and drawing indicating the height and general design of the proposed telecommunications tower and the general type of antennas proposed to be located on the tower (including whether the antennas will be typical antennas, close mount antennas or camouflaged antennas);
 - ii. The location, maximum size and design of the equipment shelter/cabinets and the fenced or structural enclosure in which they are to be located; and
 - iii. The basis for the calculations of the telecommunications tower's capacity to accommodate multiple users.

All applicable required information was submitted upon application (See File).

D. Review procedures and criteria Code of Ordinances Sec. 74-450:

Type (2) development orders for wireless telecommunication facilities shall be reviewed in accordance with the procedures of sections 74-97, 74-99, 74-100(b) and 74-100(c). Review of the application shall be to determine whether the proposed wireless telecommunication facility meets the applicable requirements of this division and Code, and meets the following criteria:

- (1) For applications for replacement structures, replacement towers, or towers, whether the applicant has sufficiently justified why a site type of a higher priority that is located within the provider's search ring was not selected.
- (2) Whether the portion or characteristic of the facility that triggers the type (2) review, creates an unacceptable visual impact on sensitive areas of the county. The analysis of the existence of visual impact shall be measured against the following review points:
 - a. Whether or not the proposed facility is located, positioned, or designed so as to catch the viewer's eye.

b. The degree of visibility relative to a normal view from sensitive areas of the county, such as in adopted visual corridors and residential areas.

c. The amount and type of landscaping and/or natural vegetation in the area, existing or proposed, that can mitigate visual impacts.

Because the facility will exceed 35 feet in height from lowest existing ground level prior to commencement of construction, it will be subject to approval by the regulatory boards of the county.

The applicant furnished a copy of the recorded deed and owner authorization.

All required plans and materials were submitted during the application process.

E. Shared Use of Telecommunications Towers by County Emergency Facilities **Code of Ordinances Sec. 74-453:**

The county shall have the right to install, maintain, and operate antennae, amplifiers, coaxial cable, wire, fiber optic cable fixtures, and appurtenances necessary for a county communications system upon or within the communications facilities of any communication tower located in Jackson County on the condition that such installations do not interfere with the property or operations of the tower owner and at no cost to the county except to reimburse the tower owner for any additional costs incurred as a result of any such construction by the county.

F. Visibility of wireless telecommunications facilities **Code of Ordinances Sec. 74-455:**

- a. Telecommunication towers, camouflaged towers and antenna shall not be artificially lighted or marked, except as required by law, unless good cause is shown and approved by the board through a type (2) development order review.

The tower is proposed to be 300 feet in height and is required, by the FAA, to be lighted.

- b. Telecommunications towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the lighting shall be of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

The applicant is proposing a galvanized finish for the tower; this is an industry standard finish.

G. Security of wireless telecommunications facilities **Code of Ordinances Sec. 74-456:**

All wireless telecommunications facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically all antennas, towers, equipment shelters/cabinets and accessory facilities, including guy wires, shall be made inaccessible

to unauthorized individuals and constructed or shielded in such a manner that they cannot be run into or impermissibly climbed.

The applicant is proposing a 60'x60' compound fenced with 6' chain link fence and 3 strands of barbed wire with a locking gate (See File).

H. Abandonment **Code of Ordinances Sec. 74-458:**

- (a) Any tower that is not occupied by a functioning antenna for a continuous period of 12 months and has no application or lease agreement to place an antenna on the tower being actively pursued shall be considered abandoned, and the owner of such tower shall remove same within 90 calendar days of written notice from the Jackson County Administrator or designee that the tower has been determined to be abandoned.

If such tower is not removed within said 90 calendar days, Jackson County may have the tower removed at the tower owner's expense. Appeals of the county administrator's determination of abandonment shall be reviewed by the board and the filing of an appeal tolls the deadline for removal.

- (b) Prior to the issuance of any permit for a new telecommunication tower, the applicant and owner of the tower shall be required to procure and deposit with the county a surety bond in the amount of \$10,000.00 made payable in favor of "The Board of County Commissioners of Jackson County, Florida, for the use and benefit of the residents and citizens of Jackson County, Florida," indemnifying the county, the board of county commissioners, and any and all affected persons against any and all losses, damages, and claims arising out of the placement, maintaining, the removal or deconstruction of any tower found to have been abandoned. The bond shall be maintained in full force and effect throughout the duration of the existence of the tower.

I. General Development Orders **Code of Ordinances Sec. 74-97(a)(2) Commercial or Nonresidential:**

Commercial or nonresidential uses which encompass less than 10,000 square feet of impervious surface (for example, structures and pavement); provided, that the following uses shall not be subject to staff approval but shall require board approval: 1) facilities that will operate under or hold any alcoholic beverage license of any kind; 2) facilities which will exceed 35 feet in height from lowest existing ground level prior to commencement of construction; 3) facilities that house gaming or sports activities of any kind (including, but not limited to, those activities referred to in sections 849.08 and 840.0931, F.S.); 4) any facility that will house activities that are not fully and without limitation accessible to minors. The denial of or any conditions placed on any commercial or nonresidential development by the planning staff under this section may be appealed by written submission to the full planning commission, based on specific citation to the county development code or other applicable law or regulation.

This project is proposing to construct a 300-foot tall telecommunications tower; thereby requiring approval from the Board of County Commissioners.

J. Variances and Exceptions (*Sec. 74-4 Code of Ordinances*):

No variances or exceptions have been requested for this project.

K. Environmental:

There are no environmental concerns with this project.

L. Floodplain (*Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) Panel 12063C0395D*):

The development area lies within a FEMA-designated Flood Zone X, which is defined as areas determined to be outside the 0.2% annual chance floodplain.

M. Drainage (*Code of Ordinances Sec. 74-105(3)*):

A storm drainage system, certified by an engineer registered in the state, shall be provided which does not allow post-development runoff to exceed the rate of predevelopment runoff.

The County Engineer reported no questions, issues, or concerns with the site plan.

N. Buffer Requirements (*Comprehensive Plan Future Land Use Element Policy 2.3(2) and Code of Ordinances Sections 74-104(1) and 74-105(1)*):

The design of the site for such uses shall include landscaped buffers between dissimilar uses. Commercial projects must have landscaped buffers in accordance with this article as well as additional landscaping in and around the parking area.

There is sufficient buffering on the property between the development area and all other property owners. The development meets regulatory setback requirements (see site plan in file).

O. Site Access/Traffic Impacts (*Code of Ordinances Sections 74-163 and 74-192*):

A paved access road or driveway, constructed to FDOT standards, shall be provided from the development to a county right-of-way.

The applicant will be creating a new driveway connection accessing Reedy Creek Road (see site plan in file).

P. Parking and Traffic Circulation (adopted *Development Design and Parking Improvement Standards and Florida Accessibility Code for Building Construction and the American with Disabilities Act (ADA), U. S. Department of Justice*):

The applicant has proposed sufficient access and turnaround area for use by site traffic. Designated parking spaces are unnecessary for this type of use.

Q. Recreation and Open Space (*Comprehensive Plan Recreation and Open Space Element*):

Analysis indicates that there are sufficient existing park and recreation facilities to meet the County's long-range needs. The County shall continue to monitor existing recreational opportunities and seek funding sources to prevent recreational deficiencies.

This development is not expected to negatively impact recreation or open space areas of the County nor is it expected to generate significant demand for such areas.

R. Fire Fighting Issues (*Code of Ordinances Sec. 18-34(11) Editor's Note*):

No fireflow review is required at this stage in the process (see statement in file).

S. Signage (*Code of Ordinances Division 5*):

Proposed signage or modifications to existing signage will require separate application, review and approval by the Community Development Department for consistency with *Code of Ordinances Division 5*.

T. Lighting (*Code of Ordinances Sections 74-104(6) and 74-105(4)*):

Site lighting must be designed to prevent glare impacts on drivers using Reedy Creek Road. Exterior lighting must not increase the background lighting by more than an average of one lumen in order to protect driver night vision and limit lighting impacts on other existing or future development.

U. National Register of Historic Places and the State Master File List (*Comprehensive Plan Future Land Use Element Policy 1.2*):

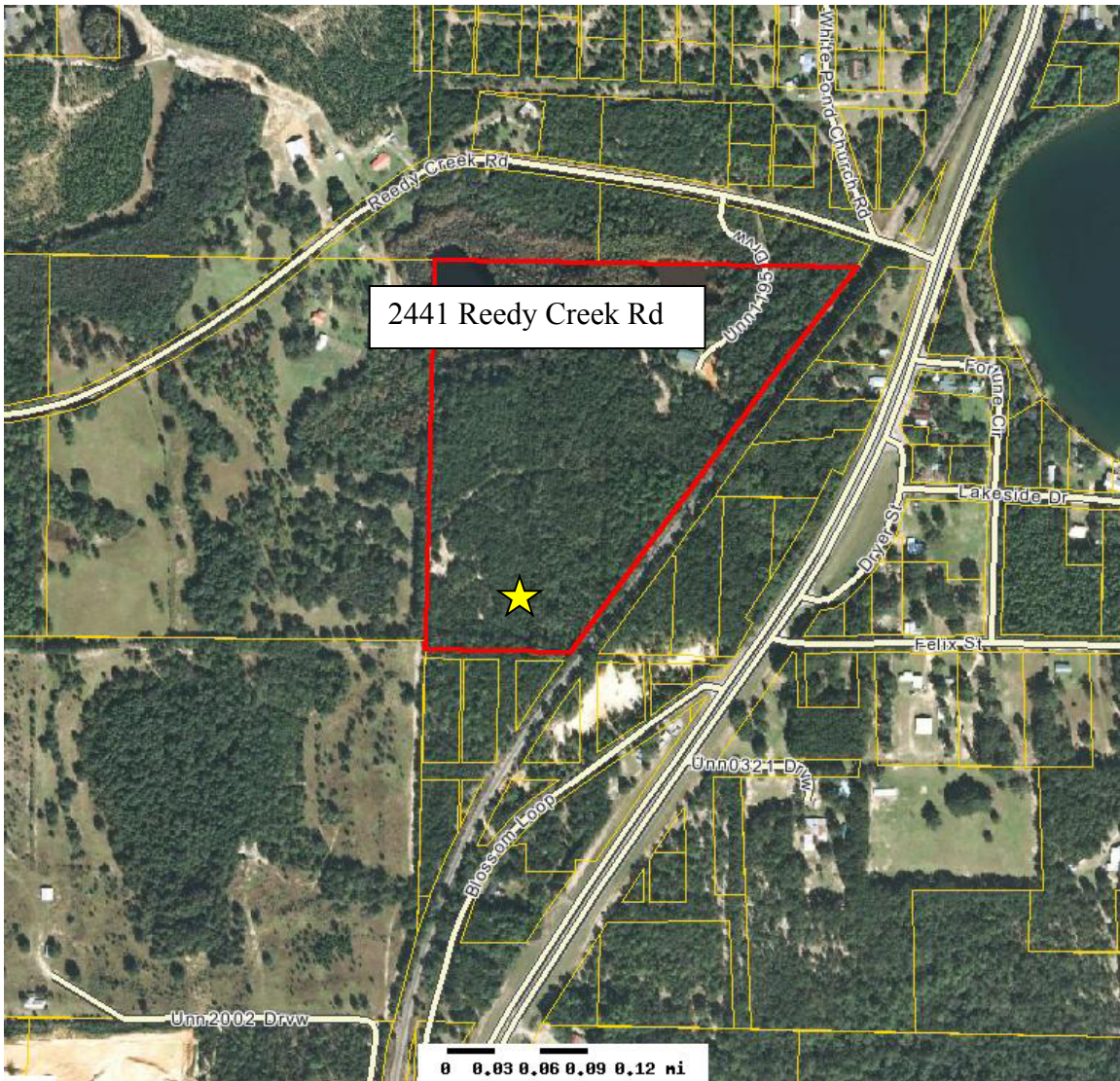
Analysis shows there are a number of historically and archaeologically significant sites within the County. Prior to the issuance of any development approval, the Florida Master Site File shall continue to be consulted to determine whether historic or archaeologically significant resources exist on the site. The County will continue to maintain and update the County inventory of historic or archaeologically significant sites. Until such time when additional preservation strategies and procedures can be developed, historical resources shall be protected through the benefits available to property owners whose properties are listed in the Florida Master Site File or the National Register of Historic Places.

According to a representative from Florida Master Site File, no previously recorded cultural resources were found on the proposed parcel.

COMMENTS AND/OR RECOMMENDATIONS:

The comments made in this staff report are based on the information submitted by the applicant/agent/owner for review. Based on the available information, planning staff recommends **APPROVAL** of this project with the following conditions:

1. Prior to the issuance of any permit for a new telecommunication tower, the applicant and owner of the tower shall be required to procure and deposit with the county a surety bond in the amount of \$10,000.00 made payable in favor of “The Board of County Commissioners of Jackson County, Florida, for the use and benefit of the residents and citizens of Jackson County, Florida,” indemnifying the county, the board of county commissioners, and any and all affected persons against any and all losses, damages, and claims arising out of the placement, maintaining, the removal or deconstruction of any tower found to have been abandoned. The bond shall be maintained in full force and effect throughout the duration of the existence of the tower.
2. The applicant shall submit copies of all redacted agreements with other companies prior to issuance of building permits for those antennas.
3. The applicant shall sign a Development Order with Jackson County in a form provided by the Community Development Department, which includes all approval conditions (*Code of Ordinances Sec. 74-100(c)*).
4. The development shall remain consistent with approved specific plans, drawings and documentation submitted. Any modifications will require approval through the County Planning Department and regulatory boards.
5. The development must comply with all applicable permitting agencies.
6. The owner of telecommunication towers shall make reasonable efforts to make space available, at a reasonable rate, on the tower for the placement of a minimal antenna used to support county communication or data transfer supporting emergency coordination and response. The preferred location for such antenna is no less than two thirds tower height (*Code of Ordinances Sec. 74-453*).
7. The Development Order and Development Agreement will be valid for one year from the date of full execution.
8. All inspections and reviews must be satisfactorily completed prior to a CO being issued.





DEVELOPMENT AGREEMENT AND ORDER

(~~Verizon Wireless~~ Southern Linc Site #105638 Round Lake – Taylor Cambre Hickshill Reedy Creek Rd.)

THIS AGREEMENT is entered into the date below written by Value Concepts, Inc./Verizon Wireless Personal Communications LP, a Delaware limited partnership d/b/a Verizon Wireless Southern Linc, herein called "Developer", and JACKSON COUNTY, FLORIDA, a political subdivision of the State of Florida, herein called "JACKSON COUNTY".

WHEREAS, DEVELOPER is the lessee of a portion of that certain real property located in Jackson County, Florida, more particularly described in Exhibit A attached hereto and incorporated herein (the "Property"); and DEVELOPER has applied for the issuance of a development order pursuant to the provisions of applicable Florida law and county ordinance, and the parties have reached certain agreements to be effected in this agreement concerning certain minimum requirements for the development of wireless telecommunication facilities on the Property, in accordance with applicable law and ordinance;

NOW, THEREFORE, for and in consideration of the mutual promises and premises set forth herein, the parties agree that:

1. The Property subject to this agreement is described above. DEVELOPER is the lessee of a 100' by 100' portion of the Property as depicted on the Type 2 development order application approved by the Jackson County Board of County Commissioners on **November 22 August 22, 20167** (the "Lease Property").

2. This construction term of this agreement shall be 24 months from the effective date hereof. DEVELOPER shall pursue construction and completion of the wireless telecommunication facilities to the point of issuance of the certificate of occupancy prior to the expiration of the construction term. The remainder of the provisions hereof shall be deemed permanent. This agreement shall be effective upon the date all parties hereto have executed the same. The construction term of this agreement may be terminated, amended or extended by mutual consent of the Board of County Commissioners of Jackson County and the DEVELOPER, subject to all public hearing requirements set forth in applicable law or regulation at the time of the proposed amendment. However, in any case, the obligations of DEVELOPER hereunder shall not terminate and shall continue after the completion of construction and the issuance of the certificate of occupancy.

3. DEVELOPER shall be authorized to develop a 280-300 foot tall Wireless Telecommunications Facility on the Lease Parcel, subject to compliance with all of the terms of this agreement, with all special conditions and requirements contained herein and with all other applicable regulations and ordinances of Jackson County. The DEVELOPER shall not be entitled to make use of the facility for any purposes (except construction of improvements) except upon completion of all construction (and issuance of a certificate of occupancy, if required by law) and compliance with all conditions set forth herein.

4. Water, sanitary, electricity and/or gas shall be provided by n/private agreement. DEVELOPER shall be responsible for making the appropriate arrangements for such services to the property, and all such services shall be in place as a condition precedent to the issuance of a

Certificate of Occupancy for the facility constructed on the property. With the exception of traffic, all other public facilities and utilities are available to serve the property and the proposed facility.

5. The proposed wireless telecommunication facilities use on the Property is consistent with the Jackson County Comprehensive Plan and current land development regulations. The land use designation for the Property is determined by the Board to be Conservation Agriculture 2 (AG2).

6. Special conditions: The DEVELOPER shall comply with all conditions, and be subject to all limitations, which are set forth on p. 123 of the Staff Report dated ~~October 28, 2016~~ August 15, 2017, a copy of which is attached to this Agreement as Exhibit B (all of the terms of which are incorporated into this agreement as if fully set out herein). However, the failure of this agreement to address a particular permit, condition, term, provision of law or regulation, or restriction, shall not ~~relieve~~ DEVELOPER of the necessity of complying with the law then existing governing said permitting requirements, conditions, terms, laws, regulations, or restrictions.

7. Variance: The DEVELOPER has not requested a variance to the Jackson County Code of Ordinances ~~Sec. 74-448(b)(6)~~. ~~The DEVELOPER will eliminate the landscape buffer around the equipment shelters/cabinets and the base of the telecommunication tower.~~

8. Required reservation or dedication of land: The following reservation or dedication of lands ~~are is~~ required as a condition to the execution of this agreement and the issuance of a certificate of occupancy: ~~n/a~~.

9. Periodic review: JACKSON COUNTY may, at its option, review the development and the facility **every three months**, commencing three months after the effective date of this agreement, until such time as all construction and improvements are fully complete and a permanent certificate of occupancy has been issued. The review shall be initiated by the issuance by JACKSON COUNTY to DEVELOPER of its notice of intent to review. The DEVELOPER shall, within thirty days thereafter, submit all materials requested in the notice to review, along with any fees then required by applicable law, regulation, or ordinance. If the County Planner shall determine that the DEVELOPER has complied in good faith with the terms and conditions of this agreement and with applicable law, regulation and ordinance, the review shall be concluded. In the event that the County Planner determines preliminarily that the DEVELOPER has not done so, the Board of County Commissioners shall take such action as is available to it under applicable law (or in equity) to procure compliance.

10. In the event that construction is not timely completed, or in the event that construction is completed, but the use permitted hereunder is temporarily or permanently ceased or abandoned by the DEVELOPER or DEVELOPER's successor in interest, then the DEVELOPER or DEVELOPER's successor in interest shall also be required to correct or remove any and all structures or conditions on the subject property as determined by JACKSON COUNTY (in the discretion of the Board) to mitigate any negative or deleterious effects of the ceased or abandoned use.

11. The Developer agrees to indemnify Jackson County and hold Jackson County harmless from and against any and all damages, claims, administrative and judicial proceedings and orders, judgments, remedial action requirements, enforcement actions of any kind, and all costs and expenses incurred in connection therewith (including but not limited to attorneys' fees,

paralegal charges and expenses), arising directly or indirectly, whole or in part, out of the Developer's failure to comply with any condition or obligation on the Developer referred to in the development order or development agreement or otherwise under applicable federal, state or local law or regulation. The obligation of Developer to indemnify and hold harmless under this section shall survive the completion of the construction or improvements to the Property or any transfer or mortgage of the Property. In addition, all other obligations of this agreement shall remain in full force and effect in the event the Property which is the subject of this agreement, or any portion thereof, is annexed into any municipality.

12. If any word, phrase, clause, section or portion of this agreement shall be held invalid by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof. This agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event that applicable Florida, federal, or local law, regulation or ordinance is changed after the effective date of this agreement, resulting in the invalidity or unenforceability of any provision hereof, then the agreement shall be deemed modified to the extent necessary to comply with the law, regulation or ordinance then in effect.

13. This is the entire agreement of the parties with respect to the subject matter hereof. There are no promises, representations or warranties, other than those set forth herein. This agreement shall be binding on the parties and their assigns and successors in interest. This agreement and the rights accruing hereunder may not be assigned by the DEVELOPER without the prior written consent of JACKSON COUNTY (provided that such consent shall not be unreasonably withheld); PROVIDED, that the Property may be sold or transferred without consent after DEVELOPER's completion of construction. To the extent that any bona fide purchaser or assignee for value of the Property shall have actual or constructive notice of the terms or provisions of this agreement, all of the terms and conditions hereof shall be deemed covenants and restrictions which run with the land and which are binding on all assignees, successors or transferees of the Developer's interest in the lands. All obligations of DEVELOPER hereunder shall be deemed joint and several.

EXECUTED the dates below specified.

BOARD OF COUNTY COMMISSIONERS
JACKSON COUNTY, FLORIDA

DEVELOPER

Hon. Eric Hill
Chairman

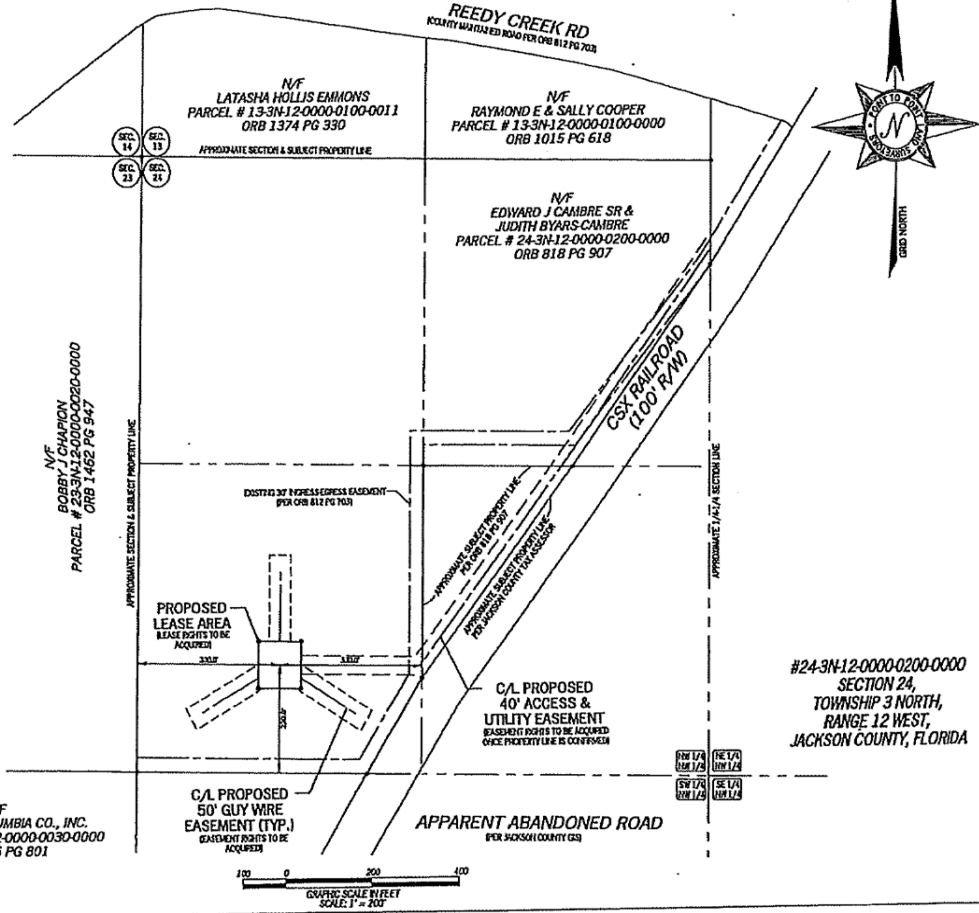
DATED: _____

DATED: _____

EXHIBIT A

LEASE EXHIBIT

** ALL PROPERTY LINES BASED ON AERIALS.
NO FIELD WORK HAS BEEN COMPLETED.**



LEGEND
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 P/S IRON PIN SET (1/2" REBAR W/ CAP)
 PF RECAPITULATED
 C/LF CONCRETE MONUMENT FOUND
 N/F NOW OR FORMERLY
 R/W RIGHT-OF-WAY

N/F ANDERSON COLUMBIA CO., INC.
 PARCEL # 23-3N-12-0000-0030-0000
 ORB 1026 PG 801

GRAPHIC SCALE IN FEET
 SCALE: 1" = 200'

DATE	
BY	

A SURVEY PREPARED BY
POINT TO POINT LAND SURVEYORS
 10000 Highway 100
 Jacksonville, FL 32253
 (904) 778-5555 FAX (904) 778-5555
 www.pointtopointland.com

A SURVEY PREPARED FOR
Southern Linc

DRAWN BY: DCL
 CHECKED BY: CJC
 APPROVED BY: CJC
 DATE: JANUARY 24, 2017
 PLOT JOB #: 0170045

SHEET
1
 OF 1

Exhibit "A"

Parcel #1
S 1/2 of SW 1/4 of NE 1/4 of SW 1/4 of Section 31, Township 6 North, Range 13 West, Less and Except County Road right of way.

Also Less and Except the following:

Tract No. 1: Commence at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 89 degrees 35 minutes 50 seconds East, along forty line, 1729.75 feet to the Point of Beginning being in the center of a graded county road; thence continue South 89 degrees 35 minutes 50 seconds East, along forty line 208.26 feet; thence North 00 degrees 14 minutes 41 seconds West, 338.02 feet; thence North 89 degrees 32 minutes 05 seconds West 89.68 feet to the centerline of a graded county road; thence South 10 degrees 18 minutes 42 seconds West, along centerline, 384.21 feet to the Point of Beginning.

Tract No. 2: Commence at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 00 degrees 35 minutes 50 seconds East, along forty line, 1729.75 feet to the centerline of a graded county road; thence North 19 degrees 18 minutes 42 seconds East along centerline 361.20 feet to the Point of Beginning; thence continue North 19 degrees 18 minutes 42 seconds East along centerline, 3.01 feet; thence North 00 degrees 32 minutes 05 seconds West 24.07 feet; thence South 82 degrees 32 minutes 05 seconds East, 23.27 feet to the Point of Beginning.

Tract No. 4: Commence at the Southwest corner of the Northwest Quarter of Southwest Quarter of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 89 degrees 35 minutes 50 seconds East, along forty line, 1292.00 feet; thence North 00 degrees 24 minutes 47 seconds West 206.67 feet to the Point of Beginning; thence continue North 00 degrees 24 minutes 47 seconds West, 129.17 feet; thence South 89 degrees 32 minutes 05 seconds East 321.09 feet; thence South 39 degrees 03 minutes 46 seconds West 81.80 feet; thence South 78 degrees 06 minutes 44 seconds West 267.99 feet to the Point of Beginning.

Parcel #2
Commence at the Southwest corner of the NW 1/4 of the SW 1/4 of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 89 degrees 35 minutes 50 seconds East along forty line 1292.00 feet; thence North 00 degrees 24 minutes 47 seconds West 335.74 feet; thence South 89 degrees 32 minutes 05 seconds East 321.09 feet to the POB; thence continue South 89 degrees 32 minutes 05 seconds East 212.18 feet; thence North 82 degrees 30 minutes 21 seconds West 194.62 feet; thence South 39 degrees 03 minutes 46 seconds West 30.47 feet to the POB.

And

Commence at the Southwest corner of the NW 1/4 of the SW 1/4 of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 89 degrees 35 minutes 50 seconds East along forty line 885.05 feet to the POB; thence continue South 89 degrees 35 minutes 50 seconds East along forty line 426.85 feet; thence North 00 degrees 24 minutes 47 seconds West 206.57 feet; thence South 78 degrees 06 minutes 44 seconds West 166.75 feet; thence North 89 degrees 32 minutes 05 seconds West 264.49 feet; thence South 00 degrees 24 minutes 47 seconds East 171.28 feet to the POB.

Parcel #3
Commence at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 31, Township 6 North, Range 13 West, Jackson County, Florida; thence South 89 degrees 35 minutes 50 seconds East, along the South line of the Northwest quarter of the Southwest quarter, 885.05 feet to the Point of Beginning; thence continue South 89 degrees 35 minutes 50 seconds East, along said South line, 160.0 feet; thence North 00 degrees 24 minutes 47 seconds West, 171.28 feet; thence South 89 degrees 32 minutes 05 seconds East, 264.49 feet; thence North 78 degrees 06 minutes 44 seconds East, 433.75 feet; thence North 39 degrees 03 minutes 46 seconds East, 122.70 feet; thence South 82 degrees 30 minutes 21 seconds East, 217.67 feet to the centerline of Hickshill Road; thence North 19 degrees 18 minutes 42 seconds East, along the centerline of said Hickshill Road, 250.34 feet; thence North 89 degrees 32 minutes 05 seconds West, parallel with the South line of Northwest quarter of the Southwest quarter, 1247.76 feet; thence South 00 degrees 24 minutes 47 seconds East, 570.49 feet to the Point of Beginning.

EXHIBIT B

1. Prior to the issuance of any permit for a new telecommunication tower, the applicant and owner of the tower shall be required to procure and deposit with the county a surety bond in the amount of \$10,000.00 made payable in favor of “The Board of County Commissioners of Jackson County, Florida, for the use and benefit of the residents and citizens of Jackson County, Florida,” indemnifying the county, the board of county commissioners, and any and all affected persons against any and all losses, damages, and claims arising out of the placement, maintaining, the removal or deconstruction of any tower found to have been abandoned. The bond shall be maintained in full force and effect throughout the duration of the existence of the tower.
2. The applicant shall submit copies of all redacted agreements with other companies prior to issuance of building permits for those antennas.
3. The applicant shall sign a Development Order with Jackson County in a form provided by the Community Development Department, which includes all approval conditions (*Code of Ordinances Sec. 74-100(c)*).
4. The development shall remain consistent with approved specific plans, drawings and documentation submitted. Any modifications will require approval through the County Planning Department and regulatory boards.
5. The development must comply with all applicable permitting agencies.
6. The owner of telecommunication towers shall make reasonable efforts to make space available, at a reasonable rate, on the tower for the placement of a minimal antenna used to support county communication or data transfer supporting emergency coordination and response. The preferred location for such antenna is no less than two thirds tower height (*Code of Ordinances Sec. 74-453*).
7. The Development Order and Development Agreement will be valid for one year from the date of full execution.
8. All inspections and reviews must be satisfactorily completed prior to a CO being issued.

COMMENTS AND/OR RECOMMENDATIONS:

~~The comments made in this staff report are based on the information submitted by the applicant/agent/owner for review. Based on the available information, planning staff recommends APPROVAL of this project with the following conditions:~~

~~The applicant shall submit copies of all redacted agreements with other companies prior to issuance of building permits for those antennas.~~

~~The applicant shall sign a Development Order with Jackson County in a form provided by the Community Development Department, which includes all approval conditions (**Code of Ordinances Sec. 74-100(c)**).~~

~~The development shall remain consistent with approved specific plans, drawings and documentation submitted. Any modifications will require approval through the County Planning Department and regulatory boards.~~

~~The development must comply with all applicable permitting agencies.~~

~~The county shall have the right to install, maintain, and operate antennae, amplifiers, coaxial cable, wire, fiber optic cable fixtures and appurtenances necessary for a county communications system upon or within the communications facilities of any communications tower located in Jackson County on the condition that such installations do not interfere with the property or operations of the tower owner and at no cost to the county except to reimburse the tower owner for any additional costs incurred as a result of any such construction by county. (Code of Ordinances Sec. 74-453).~~

~~The Development Order and Development Agreement will be valid for one year from the date of full execution.~~

~~All inspections and reviews must be satisfactorily completed prior to a CO being issued.~~

~~The tower will not be granted a Development Agreement until approval from F.A.A. is submitted.~~

~~If a tower is not occupied by a functioning antenna for a continuous period of 12 months and has no application or lease agreement to place an antenna on the tower being actively pursued shall be considered abandoned, and the owner of such tower shall remove same within 90 calendar days of written notice from the Jackson County Administrator or designee that the tower has been determined to be abandoned. (Code of Ordinances Sec. 74-458)~~