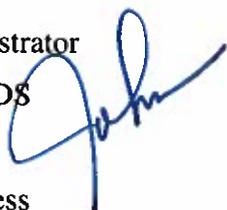


MEMORANDUM

To: Ed Hunzeker, County Administrator
From: John R. Barnott, Director BADS
Date: September 18, 2018
Subject: P-25 Tower Application Process



For your information, I would like to clear up any misconceptions that may exist with the approval process used for the three public safety towers.

I think it is important to point out that our team will debate applications and the proposed use amongst themselves to the point of exhaustion. We believe it is important to do this to insure we fulfill the needs of our customers while adhering to the Comprehensive Plan (CP) and Land Development Code (LDC). Once we make our best determination of an application, we submit a Request for Legal Services (RLS) to the County Attorney (CAO). The CAO does not interpret either code for us but does provide sound legal advice on our code interpretation.

Definitions are contained in the CP and LDC for almost every imaginable use, but sometimes a proposed use is not listed. In this case, it is clear a public use facility tower is not the same as a personal wireless service facility tower. It is important to note that the Federal Communication Commission (FCC) licensed these as private land mobile radio services.

I have heard speculation that the Building and Development Services Department (BADS) conspired with the CAO to change the code to avoid a public hearing. Let me assure you, no codes were changed to accommodate this application to bypass the public hearing process. Over the years, BADS and before us the Planning Department performed these types of reviews and interpretations for thousands of land use applications.

In regard to antennas and towers (both public and private) that are licensed by the FCC, there are approximately 230 in Manatee County and 170 of those are in unincorporated county. Sixteen (16) of those towers under our jurisdiction have been approved within the last 10 years (since 2008). Ten (10) were approved administratively via the multi-agency Development Review Committee (DRC). Six (6) were reviewed by the public hearing process, which includes the DRC and a public hearing(s) via the Hearing Officer or the Planning Commission and Board of County Commissioners.

These approved towers reside in the following areas (as defined by the Comprehensive Plan's Future Land Use Map):

	Agricultural	Commercial	Industrial	Institutional	Residential
Public Hearing	1	2	0	0	3
Administrative Review	5	0	1	1	3

Building and Development Services
Administration
P.O. Box 1000
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We will continue to do the same thing going forward. I have reviewed this application and believe we did make the correct interpretation in this case.

Please let me know if you have any questions.

CC: Dan Schlandt
Cheri Coryea
Paul Alexander
Fred Goodrich
Rob Wenzel
Jim Rigo