



STAFF REPORT
November 1, 2016

AGENDA ITEM (File No. 16019)

Consideration of a Conditional Use Permit for the installation of a new tower-mounted antenna in the public right-of-way, to be located on South 9th Street between Pine St and Oak St. The proposed antenna will be located in the Tourist and Office-Professional (C-4) zoning district and is defined on the Jackson County Assessor's map as 37S 2W 02CD, in the right-of-way adjacent to Tax Lot 3000.

Applicant: Mobilitie, LLC **Agent:** Colleen DeShazer

SOURCE

Molly Bradley, Community Planner I

BACKGROUND

Mobilitie ("Applicant") is a public utility company that provides wireless telecommunications services and infrastructure, and is regulated by the Oregon Public Utility Commission. The Applicant is requesting a Conditional Use Permit to construct a tower-mounted antenna in the public right-of-way to provide more coverage and capacity to data network users, and improve communication services in Central Point (Attachment "A"). Wireless communication antennas are regulated in accordance with CPMC 17.60.040 Antenna Standards and CPMC 17.76 Conditional Use Permits.

Project Description:

On October 4, 2016, after considering the Applicant's conditional use permit application, the Planning Commission moved to continue the public hearing to their next meeting on November 1, 2016. This continuation was intended to allow the Applicant additional time to submit supplemental findings addressing the following Commission concerns:

- 1) *Site Location*
 - a. *Justification for current site selection and any alternative site locations, with reasons for their acceptance or rejection.*
 - b. *Co-location options acceptable to Mobilitie, such as use of the existing power pole to the south, including findings addressing the inability to co-locate with an existing utility.*
 - c. *Verification that Mobilitie is prohibited from locating on private property and is limited to locating only in the public right-of-way.*
- 2) *Visual Impact*
 - a. *Provide illustrated options based on the preferences of the Planning Commission and acceptable to Mobilitie for effectively reducing the visual impact of the proposed tower.*

Since the October 4th meeting the applicant has submitted additional information addressing item 1a (location) and 2a (visual impact). Revised photo simulations depict a steel utility pole rather than the original wood proposal, and the design indicates all wiring and equipment are housed on the interior of the pole (Attachment “B”). The amended design proposal shows brown paint and a silver coating as two exterior color options. Additionally, the Applicant indicated that the utility pole can be reduced from 72 feet in height to 50 feet, but will need to remain in the same location as originally proposed for the height reduction to be effective.

The Applicant submitted a propagation map depicting the target area covered with a 50-foot pole height (Attachment “C”). Through correspondence with the Applicant, it was clarified that the coverage area will remain the same as with a 72-foot tower-mounted antenna.

The Applicant has not submitted findings addressing their inability to co-locate with an existing utility, or locate on private property as an alternative to the right-of-way.

ISSUES

The use of the proposed tower-mounted antenna is not an issue. The primary issues, as with all tower-mounted antennas, are the visual impact to the community and surrounding properties, and the ability to mitigate visual impacts within the limited confines of a public right-of-way.

Precedent: This application is unique in that it is the first application the City has received for a tower-mounted antenna within the public right-of-way. Previous applications for such antennas have been proposed on private land, where the location or area is available for setbacks or camouflaging not typically available within a public right-of-way.

Visual Impact: The purpose of the regulations set forth in CPMC 17.60.040(2)(d), is to ensure that antennas serve the needs of the community, but at the same time are properly located and have minimal visual impact on the community. These regulations have been applied to all previous applications for antennas, and also apply to this proposal; however, this application is unique, in that it is within the limited confines of the public right-of-way. The ability to effectively mitigate such a facility in an area with such exposure to the public is questionable.

Site Location: The challenge with locating a tower-mounted antenna within the public right-of-way is its visual proximity to the general public and the ability to conceal it in a limited space, as opposed to a location on private land that provides both scale and obscurity siting. The concern remains that this location in the urban environment is unable to be screened and obscured to effectively mitigate any adverse impacts to the general welfare of the surrounding area.

No issues or concerns have been raised from notified agencies and neighboring property owners (within 100 feet).

FINDINGS

The Applicant has stated in their findings that all requirements outlined per the Conditional Use Permit section 17.76.040 have been met (Attachment “D”).

Staff has provided two sets of supplemental findings stating the grounds for both approval and denial of this application. The Planning Commission may use these findings to support their decision for either approval or denial.

ATTACHMENTS

Attachment “A” – Vicinity Map
Attachment “B” – Revised Photo Simulations
Attachment “C” – Propagation Map
Attachment “D” – Applicant’s Findings
Attachment “E” – Airport Letter
Attachment “F-1” – Staff Findings for Approval
Attachment “F-2” – Staff Findings for Denial
Attachment “G-1” – Resolution No. 834
Attachment “G-2” – Resolution No. 834

CONDITIONS OF APPROVAL

1. The Applicant shall file a Notice of Proposed Construction or Alteration with the Airport at least 45 days prior to issuance of building permits and commencement of construction, per the letter dated August 12, 2016 (Attachment “E”).
2. All overhead power lines shall be placed underground.
3. The utility pole shall be painted and limited to a maximum height of 50-feet.

ACTION

Open the public hearing to take testimony on a CUP for the installation of a 50-foot tower-mounted antenna within the C-4 zoning district.

RECOMMENDATION

Because the determination of this application is considered to be a policy decision, staff is not offering one recommendation. Under the current circumstances and time limitations, the Planning Commission must take one (1) of the following actions:

1. Approve the tower-mounted antenna application per the findings and conditions (Attachment “F-1”), and per Resolution No. 834 (Attachment “G-1”).
2. Deny the tower-mounted antenna application per the findings (Attachment “F-2”), and per Resolution No. 834 (Attachment “G-2”).