Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 WIRELESS COMMUNICATIONS FACILITY SITING PERMIT CASE NO.: WS219-01

APPLICATION NO.: 18-121131-ZO

NOTICE OF DECISION DATE: MAY 24, 2019

SUMMARY: A proposal to replace an existing light pole with a light pole with a topmounted antenna and internally mounted equipment for wireless communications.

REQUEST: Class 2 Wireless Communications Facility Siting Permit to replace an existing 28-foot-tall fiberglass light pole within a planter strip in right-of-way adjacent to 1328 Glacier View Street SE - 97317 (Marion County Tax Assessor Map and Lot Number 072W31DC04400) with a 26-foot 6-inch-tall metal light pole, an antenna at the top of pole with a tip height of 31 feet, auxiliary support equipment inside the pole, and a streetlight.

APPLICANT: Jonathan Baker of Mastec Network Solution on behalf of New Cingular

LOCATION: 1328 Glacier View St SE / 97317

CRITERIA: Salem Revised Code (SRC) Chapter 703.020

FINDINGS: The findings are in the attached Decision dated May 24, 2019.

DECISION: The **Planning Administrator APPROVED** Class 2 Wireless Communication Siting Permit Case No. WS219-01 subject to the following conditions of approval:

Condition 1: An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

Condition 2: All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

Condition 3: All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

Condition 4: All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.



503-588-6005

FAX:

WS219-01 Decision May 24, 2019 Page 2

Condition 5: Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.

Condition 6: Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

Condition 7: After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of rightof-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

Condition 8: Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

Condition 9: All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993 and all rules and regulations promulgated there under.

Condition 10: All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

Condition 11: Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

Condition 12: Prior to issuance of the building permit, the applicant shall submit a copy of the response from the Federal Aviation Administration to the applicant's filing of Form 7460-1.

The rights granted by the attached decision must be exercised, or an extension granted, by June 11, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>March 8, 2019</u>
Notice of Decision Mailing Date:	<u>May 24, 2019</u>
Decision Effective Date:	June 11, 2019
State Mandate Date:	August 5, 2019

Case Manager: Pamela Cole, pcole@cityofsalem.net, 503-540-2309

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This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than <u>5:00 p.m., Monday, June 10, 2019</u>. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 703. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

http://www.cityofsalem.net/planning

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Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

WIRELESS COMMUNICATIONS FACILITY SITING PERMIT CASE NO. WS219-01 DECISION

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IN THE MATTER OF APPROVAL OF WIRELESS COMMUNICATIONS FACILITY SITING PERMIT CASE NO. WS2-19-01 1328 GLACIER VIEW ST SE

CLASS 2 WIRELESS COMMUNICATIONS FACILITY SITING PERMIT

MAY 24, 2019

In the matter of the application for a Class 2 Wireless Communications Facility Siting Permit submitted by Jonathan Baker, on behalf of the applicant New Cingular Wireless PCS LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal to replace an existing light pole with a taller light pole that will support antennas for wireless communications.

Request: Class 2 Wireless Communications Facility Siting Permit to replace an existing 28foot-tall fiberglass light pole within a planter strip in right-of-way adjacent to 1328 Glacier View Street SE - 97317 (Marion County Tax Assessor Map and Lot Number 072W31DC04400) with a 26-foot 6-inch-tall metal light pole, an antenna at the top of pole with a tip height of 31 feet, auxiliary support equipment inside the pole, and a streetlight.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (Attachment A).

DECISION

<u>APPROVED</u> subject to the applicable standards of the Salem Revised Code, the findings contained herein, conformance with the approved site plan, and the following conditions of approval:

- **Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
- **Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- **Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

WS219-01 May 24, 2019 Page 2

- **Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- **Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- **Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- **Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- **Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- **Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993 and all rules and regulations promulgated there under.
- **Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- **Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.
- **Condition 12:** Prior to issuance of the building permit, the applicant shall submit a copy of the response from the Federal Aviation Administration to the applicant's filing of Form 7460-1.

FINDINGS

1. Class 2 Wireless Communications Facility Siting Permit Applicability

The existing light pole and the proposed light pole are utility structures according to the definition of SRC 703.005: any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities. The proposed replacement of a utility structure for the purpose of attachment of an antenna or antenna array is a second priority siting according to SRC 703.010(c). SRC 703.020(b) requires a Class 2 Wireless Communications Facilities Siting Permit for any second priority siting.

2. Background

A Class 2 Wireless Communications Facility Siting Permit was submitted on October 17, 2018 by Jonathan Baker of Mastec Network Solutions on behalf of New Cingular Wireless PCS LLC. Additional information was requested from the applicant. The Class 2 Wireless Communications Facility Siting Permit application was deemed complete for processing on March 8, 2019.

In accordance with procedural requirements of SRC 300.520(b), staff mailed a Notice of Filing and Request for Comments on March 8, 2019 with a comment deadline of March 22, 2019. Staff found on March 26, 2019 that notice of the application had not been posted on the property in accordance with SRC 300.520(b). Staff mailed a revised Notice of Filing and Request for Comments on March 27, 2019 with a comment deadline of April 10, 2019, and the applicant returned an affidavit on April 19, 2019 stating that notice was posted on the subject property on March 29, 2019. On April 22, 2019, the applicant granted a 30-day extension to the 120-day statemandated deadline. The extended deadline is August 5, 2019.

The applicant's proposed site plans are included as Attachment B, an elevation depicting the proposed facility is included as Attachment C, photosimulations are included as Attachment D, and a written statement addressing the approval criteria is included as Attachment E.

Summary of Record:

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

Neighborhood and Citizen Comments:

Notice of the application was sent to the Southeast Mill Creek Association (SEMCA) and all property owners of record within 250 feet of the subject property. No comments were received from SEMCA.

Two comments were received from indicating no objections.

One comment was received from a nearby property owner indicating objections because of radiation concerns and the health of family and neighbors.

Staff Response: The City cannot regulate the placement, construction, and modification of personal wireless communications service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with federal regulations concerning such emissions. The applicant provided a stamped statement of compliance from a professional engineer certifying that the proposed facility will operate in accordance with the the Federal Communications Commission's RF (radio frequency) emission regulations.

One comment was received opposing the facility, stating that it is not feasible, and antennas should be mounted in an isolated environment or the applicant should pay for adjacent properties.

Staff Response: The applicant has submitted documentation that the proposed location is necessary to install antennas that will provide needed coverage and capacity for wireless services and that the proposed facility meets structural engineering requirements. The proposed location is in City-owned right-of-way and the applicant will pay an annual fee to the City to use the right-of-way; compensation to adjacent property owners is not required.

City Department Comments:

The Public Works Department reviewed the proposal and approved the proposal.

The Building and Safety Division reviewed the proposal and commented that they have no issues and no jurisdiction in the right-of-way.

The Fire Department reviewed the proposal and had no comments.

The Airport Manager reviewed the application and commented:

The height does not appear to be an issue, but because it is a communications site in close proximity to a navigation facility, the applicant will want a Notice of Proposed Construction or Alteration to be filed for FAA review.

The filing can be done electronically at the FAA's Obstruction Evaluation website link below. The applicant would select New User Registration for a construction or alteration that is NOT located on an airport. Once the FAA has reviewed, they will provide a formal Letter of Determination to the applicant that lets them know that this is not going to be a hazard to aviation. It can take a couple months to get a response from the FAA because they are so backed up. <u>https://oeaaa.faa.gov/oeaaa/external/portal.jsp</u>

Public and Private Service Provider Comments:

PGE commented that the service would require a junction box (1730-flush with the ground) to allow the customer access to their equipment, and the customer cannot place customer-owned facilities in a utility-owned enclosure. The service can be

unmetered. Diagrams are attached (Attachment F). The customer would need to complete a request to start the design process on the project (Attachment G).

3. Analysis of Class 2 Wireless Communications Facility Siting Permit Approval Criteria

SRC 703.020(e)(2) states that a Class 2 wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(A) The proposed utility structure meets the standards in this Chapter.
(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

The existing and proposed utility structures are located in public right-of-way; therefore, criteria B and C are not applicable to this application.

Criterion A: The proposed utility structure meets the standards in this Chapter.

Finding: The proposed development complies with all applicable development standards of the Salem Revised Code, as described below.

Wireless Communications Facilities (SRC Chapter 703) Standards

SRC 703.010(b) - Collocation Required: All wireless communications facilities located in right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same structure or jeopardize the physical integrity of the structure upon which collocation will be made, consent cannot be obtained for the collocation on a structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

Applicant's Statement: Proposed is removal of an existing 28' tall City of Salem metal street light pole, to be replaced with a new 28' tall metal light pole of 14" diameter with proposed canister antenna. The proposed antenna will be centered atop the proposed metal pole.

Finding: The proposed facilities will be attached to a utility structure that will replace an existing utility structure.

SRC 703.010(c) - Siting Priority: Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(1) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure;

(2) Second priority: replacement of a utility structure for the purpose of attachment of an antenna or antenna array;

(3) Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(4) Fourth priority: construction of a new support tower.

Applicant's Statement: The proposed small cell facility will function as an important element of AT&T's small cell network in the immediate area around the proposed location, which is needed to serve significant unmet demand for wireless services. The location was chosen by AT&T Radio Frequency (RF) engineers due in part to this area being a high traffic area within AT&T's network. AT&T's proposed small technology operates at much lower power levels than traditional Macro sites, and will only serve an area within 300'-500' of the proposed location. There was no higher priority location that would be viable and serve the purpose of assisting with the network.

Finding: Collocation is defined in SRC 703.005(g) as the mounting or installation of an antenna on an existing support structure, utility structure, or support tower. A first priority siting is a collocation or an attachment of an antenna or antenna array on existing support tower, support structure, or utility structure. The proposal is for a second priority siting rather than a first priority siting, and the applicant is required to document that replacement of the existing utility structure is necessary because the proposed antennas cannot be collocated or attached to an existing support tower, utility structure or support tower. The application submittal requirements for a Class 2 Wireless Communications Facility Siting Permit include documentation that placement at a first-priority site is not feasible and coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap. The applicant's submittal fulfills the requirements, and the proposal meets the standards.

SRC 703.060 - Replacement Utility Structure Development Standards:

Height - Inside the right-of-way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device, and antenna is no greater than:

(i) 78 feet for a replacement structure located on a parkway or freeway;

(ii) 73 feet for a replacement structure on a major arterial;

(iii) 63 feet for a replacement structure on a minor arterial; or

(iv) 53 feet for a replacement structure located on a collector street or local street.

Width - A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

Surface and Coloration - A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

External cables and wires - All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

Lighting - Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

Applicant's Statement: Proposed is removal of an existing 28' tall City of Salem metal street light pole, to be replaced with a new 28' tall metal light pole of 14" diameter with proposed canister antenna. The proposed antenna will be centered atop the proposed metal pole. The top of the proposed antenna is 28' [31'] tall.

The proposed pole and proposed canister antenna will be painted to match the existing pole. Use of matching color, pole centered mounted antenna, and internal ancillary equipment help to minimize visual impacts by creating a slim silhouette to the overall facility.

Additional ancillary equipment, including power and fiber lines, power disconnect and remote radio heads (RRHs) will be installed on the inside of the proposed pole, hidden from view. Separate power lines for the street light will also run inside the pole.

The pole will continue to serve as a street light pole with light support arm and luminaire attached at the same [height] as the existing street light pole.

Finding: The combined height of the replacement structure, antenna mounting device, and antennas would be 31 feet, which is below the maximum height of 53 feet for a local street. The applicant provided a stamped analysis from a registered professional structural engineer indicating that the proposed design provides the required support for the facility and meets safety standards. The applicant also provided stamped plans from a registered professional engineer. The proposed cables and wires will be placed inside the pole. The proposed structure and antenna will have a surface or coloration similar to that of the existing pole and will not be lighted, except for the light fixture that will replace the existing light fixture. The proposed utility structure meets the standards.

SRC 703.040 - Antenna Development Standards:

Antennas attached to utility structures shall comply with the following development standards:

Physical integrity - The antennas shall not jeopardize the utility structure's physical integrity.

Guy poles - Antennas shall not be located on guy poles.

Mounting - Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

Surface and Coloration - Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

Lighting - Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

Applicant's Statement: Proposed is removal of an existing 28' tall City of Salem metal street light pole, to be replaced with a new 28' tall metal light pole of 14" diameter with proposed canister antenna. The proposed antenna will be centered atop the proposed metal pole. The top of the proposed antenna is 28' [31'] tall.

The proposed pole and proposed canister antenna will be painted to match the existing pole. Use of matching color, pole centered mounted antenna, and internal ancillary equipment help to minimize visual impacts by creating a slim silhouette to the overall facility.

The pole will continue to serve as a street light pole with light support arm and luminaire attached at the same [height] as the existing street light pole.

Finding: The applicant provided a stamped analysis from a registered professional structural engineer indicating that the proposed design provides the required support for the facility and meets safety standards. The applicant also provided stamped plans from a registered professional engineer. The existing and proposed street light are not guy poles. The antenna will be mounted at the top of the utility structure. The proposed antenna will have a surface or coloration similar to that of the existing pole and will not be lighted, except for the light fixture that will replace the existing light fixture. The proposed utility structure meets the standards.

SRC 703.050 - Auxiliary Support Equipment Development Standards:

Screening - Equipment associated with antennas on utility structures inside right-ofway and not installed on the utility structure shall be installed within an underground vault or in not more than one above ground cabinet with a combined height plus width plus depth no greater than 120 linear inches.

Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than 18 inches from the surface of the utility structure;

(ii) Be less than or equal to 24 inches in height;

(iii) Be mounted a minimum of 15 feet above ground level on a utility structure located in the right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in the right-ofway between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside the right-of-way.

Vision Clearance - Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170 (SRC 805).

External cables and wires - All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

Coloration - Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted

natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

Lighting - Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

Applicant's Statement: Use of matching color, pole centered mounted antenna, and internal ancillary equipment help to minimize visual impacts by creating a slim silhouette to the overall facility. Additional ancillary equipment, including power and fiber lines, power disconnect and remote radio heads (RRHs) will be installed on the inside of the proposed pole, hidden from view. Separate power lines for the street light will also run inside the pole.

Finding: The proposed auxiliary support equipment is located entirely on the inside of the replacement utility pole and completely screened from view. The proposed equipment inside the pole is not located within any vision clearance areas. The requirements for external cables and wires, coloration, and lighting are not applicable for equipment inside a pole. The proposed equipment meets the applicable standards.

SRC 703.080 - Conditions: Every wireless communications facility siting permit shall be subject to the following conditions:

- **Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
- **Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- **Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- **Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- **Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.

- **Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- **Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- **Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- **Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated there under.
- **Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- **Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

Use and Development Standards – RS (Single Family Residential) Zone:

SRC 511.005 - Uses:

Permitted, special, conditional and prohibited uses in the RS zone are set forth in Table 511-1.

Staff Response: The proposed development is a wireless communication facility. Wireless communication facilities are allowed in the RS zone per SRC 511.005, Table 511-1, subject to SRC Chapter 703.

Natural Resources

SRC 86 – Trees on City Owned Property: SRC Chapter 86 provide a unified, consistent, and efficient means for the planning, planting, maintenance, and removal of trees located on city property, including rights-of-way, and to limit the adverse

impacts to city trees and city infrastructure. No city street trees would be affected by the proposed project.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. No protected trees or native vegetation have been identified on the site plan for removal.

SRC 809 - Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) shows no wetland areas in the project area.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not appear to disturb any portion of a mapped landslide hazard area with regulated activities; therefore, a geological assessment is not required.

Airport Overlay Zone

SRC 602.020 - Development Standards: Development within the Airport Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

Finding: The Airport Manager reviewed the application and commented that the height does not appear to be an issue.

<u>Criterion D: For replacement of a utility structure in right-of-way, the proposed wireless</u> <u>communications facility cannot practicably be located on an existing structure inside or</u> <u>outside right-of-way or on a modified or replacement structure outside right-of-way.</u>

Applicant's Statement: The location was chosen by AT&T Radio Frequency (RF) engineers due in part to this area being a high traffic area within AT&T's network. AT&T's proposed small technology operates at much lower power levels than traditional Macro sites, and will only serve an area within 300'-500' of the proposed location. There was no higher priority location that would be viable and serve the purpose of assisting with the network.

Finding: The application submittal requirements for a Class 2 Wireless Communications Facility Siting Permit include documentation that placement at a firstpriority site is not feasible and coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap. The applicant considered existing or modified structures outside rightof-way and determined that none were available that would meet the coverage objectives. The applicant's submittal fulfills the requirements, and the proposal meets this criterion.

<u>Criterion E: For replacement of a utility structure in right-of-way, the approval will not</u> cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

Applicant's Statement: Proposed is removal of an existing 28' tall City of Salem metal street light pole, to be replaced with a new 28' tall metal light pole of 14" diameter with proposed canister antenna.

Finding: The applicant's proposal replaces an existing light pole inside right-of-way with a taller pole that will support a streetlight and wireless communications antenna. The proposed replacement utility structure will perform the same lighting function as the original utility structure. The replacement light fixture will be at the same height as the existing light fixture. The proposal will not cause an increase in the number of utility structures on the property or cause any of the other existing utility structures to be enlarged or expanded.

4. Based upon review of SRC Chapter 703, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 2 Wireless Communications Facility Siting Permit Case No. 18-01 is hereby APPROVED subject to SRC Chapter 703, the applicable standards of the Salem Revised Code, conformance with the approved site plan (Attachment B), the proposed elevation drawing (Attachment C), and the following conditions of approval:

- **Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
- **Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- **Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- **Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.

- **Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- **Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- **Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- **Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- **Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
- **Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- **Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

Parmet CC

Pamela Cole, Urban Planning Administrator Designee

Prepared by Pamela Cole, Planner II

Attachments: A. Vicinity Map B. Site Plans

- C. Proposed Elevations
- D. Photosimulations
- E. Applicant's Written Statement
- F. PGE Diagram
- G. PGE Request for New Commercial Service

Application Deemed Complete:	March 8, 2019
Notice of Decision Mailing Date:	<u>May 24, 2019</u>
Decision Effective Date:	<u>June 11, 2019</u>
State Mandated Decision Date (Extended):	August 5, 2019

The rights granted by the attached decision for Class 2 Wireless Communications Facility Siting Permit Case No. WS2-19-01 must be exercised by <u>June 11, 2021</u> or this approval shall be null and void.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Monday, June 10, 2019**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 703. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

http://www.cityofsalem.net/planning

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Sabre Industries

Salem 016

1/07/19

1346 Glacier View St SE Salem, OR



Sabre Industries

1346 Glacier View St SE Salem, OR



Re: AT&T: SMALL CELL – Proposed AT&T Site Identifier: SALEM-016 Site Address: 1402 Glacier Vie ST SE Location: City of Salem Right-of-Way Portland Gas & Electric Pole #: C72/31D/121

Project Description

To meet significant demand for wireless capacity in the immediate vicinity of the proposed site, New Cingular Wireless PCS, LLC (doing business as AT&T) is proposing a new <u>Small Cell</u> wireless communication facility at the location noted above and shown on the accompanying drawings.

Proposed is removal of an existing 28' tall City of Salem metal street light pole, to be replaced with a new 28' tall metal light pole of 14" diameter with proposed canister antenna. The proposed antenna will be centered atop the proposed metal pole. The pole will continue to serve as a street light pole with light support arm and luminaire attached at the same as the existing street light pole. The top of the proposed antenna is 28' tall. Additional ancillary equipment, including power & fiber lines, power disconnect and remote radio heads (RRHs) will be installed on the inside of the proposed pole, hidden from view. The proposed pole will have sufficient ventilation with no internal fans, the proposed equipment will be silent. Separate power lines for the street light will also run inside the pole.

The proposed pole and proposed canister antenna will be painted to match the existing pole. Use of matching color, pole centered mounted antenna, and internal ancillary equipment help to minimize visual impacts by creating a slim silhouette to the overall facility.

Federal Communications Commission (FCC) mandated RF Notice stickers will be affixed to the side of the proposed pole and canister antenna.

Please see accompanying drawings, photo simulation, and other application materials for additional information on the proposal.

Construction

Construction of the facility includes removal of the existing street light pole and existing foundation. A new foundation will be constructed. Proposed internal ancillary equipment and proposed canister antenna will be pre-installed on the proposed metal pole then attached to the new foundation base. Power and fiber feeding AT&T's equipment will be run underground to the proposed foundation base then up through the foundation and pole connecting with AT&T's equipment. Power serving the City street light will also be run in a similar manner. Fiber will be provided and permitted by a separate Fiber provider.

Network Information & Site Selection

AT&T is continually upgrading and expanding its wireless communications network throughout Salem, including the installation of the latest small cell technology with this proposal. Upon completion of this latest addition of capacity, AT&T will operate a state-of-the-art digital network of wireless



communications facilities throughout the proposed coverage area as part of its nationwide wireless communications network.

The proposed small cell facility will function as an important element of AT&T's small cell network in the immediate area around the proposed location, which is needed to serve significant unmet demand for wireless services. The location was chosen by AT&T Radio Frequency (RF) engineers due in part to this particular area being a high traffic area within AT&T's network. Please see attached Propagation maps for more details

AT&T's proposed small technology operates a much lower power levels than traditional Macro sites, and will only serve an area within 300'-500' of the proposed location. There was no higher priority location that would be viable and serve the purpose of assisting with the network. This location will serve to assist in capacity to AT&T's existing network rather than adding coverage. As such the proposed antenna needs to be lower and closer to actual users. The proposed antenna will be running AWS, PCS and LAA frequencies.

The need for improved service in this geographic area is determined by market demand, coverage requirements for a specific geographic area, capacity, and the need to provide continuous coverage from one site to another in a particular geographic area. Once the need for additional capacity or coverage in an area has been established, AT&T's RF engineers perform an RF engineering study to determine the approximate site location and antenna height that is required to provide service in the desired coverage area. AT&T's RF engineers identify an area that is called a "**search ring**" where a site may be in order to provide service in the desired coverage area. The RF engineer takes the following objectives into consideration when identifying the search ring:

1. <u>Coverage and Capacity</u>. The antenna sites must be in an area where the radio frequency broadcasts will provide adequate coverage and capacity within the significant gaps. The RF engineer must take into consideration the coverage and capacity objectives for the site as well as the terrain and built environment in and around the area to be served. Since radio frequencies travel in a straight line and diminish as they travel further away from the antennas, it is generally best to place an antenna site near the center of the desired service area. However, in certain cases, the search ring may be located away from the center of the desired coverage area due to the existing coverage, the surrounding terrain, or other features which might affect the radio frequency broadcasts like buildings or sources of electrical interference.

2. <u>Clutter</u>. AT&T's antennas must "clear the clutter" in the area. The radio frequencies used in AT&T's systems are adversely affected by trees, buildings, and other natural and man-made obstacles. AT&T's radio frequencies do not penetrate mountains, hills, rocks or metal, and its radio frequencies are diminished by trees, brick and wood walls, and other structures. Therefore, AT&T's antennas must be installed above or close to the "clutter" to provide high quality communications services in the desired service areas. In addition, if the local code requires us to accommodate additional carriers on the structure, the structure must be even higher to allow the other carriers' antennas to clear the clutter as well.



3. <u>Call Handoff</u>. The antenna site must be in an area where the radio broadcasts from this site will allow seamless "call handoff" with adjacent sites. Call handoff is a feature

of a wireless communications system that allows an ongoing telephone conversation to continue uninterrupted as the user travels from the coverage area of one antenna site into the coverage area of an adjacent antenna site. This requires coverage overlap for a sufficient distance and/or period of time to support the mechanism of the handoff.

4. <u>Quality of Service</u>. Users of wireless communications services want to use their services where they live, work, commute and play, including when they are indoors. AT&T's coverage objectives include the ability to provide indoor coverage in areas where there are residences, businesses and indoor recreational facilities.

AT&T's coverage propagation software systems use these and other factors (type of antenna; antenna tilt, etc.) to predict the coverage that will be provided by the proposal.

This proposed small cell project would allow AT&T to provide wireless communications service in the significant gap in capacity in this area and allow for uninterrupted wireless service with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls.

Federal Law

Federal law, primarily found in the Telecommunications Act of 1996 ("**Telecom Act**"), acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

Under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). Included with this application is a copy of AT&T's Professional Engineer <u>Stamped Statement of FCC Compliance</u>. This letter demonstrates that the proposed facility will operate in accordance with the Federal Communications Commission's RF emission regulations. Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed facility should be disregarded.

Additionally, just as the jurisdiction may not consider the environmental effects of RF emissions, it also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. Section 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

Our goal is to work with you to obtain approval of this proposal. We look forward to working with you on this important project, which will significantly improve wireless telecommunication services in your community. Should you have any questions or require additional information, please do not hesitate to contact me.

ATTACHMENT F



2° min. conduit, provided by customer



ATTACHMENT G

С

Appendix C, Commercial Service

Portland General Electric							
Request for New Commercial Service Fill out all fields. If the field is not applicable, enter N/A.							
Date (mm-dd-year)	PGE Work Request No						
	Permit No						
Customer/Applicant							
Name							
Service address							
City		State	Zip				
Email address							
Nearest cross street							
Legal description							
(tax lot number, lot number	er, block number)						
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New Commercial Service Information						
Type of business:	Office Food store Medical office/Health care facility Restaurant Retail Warehouse (circle one) Other					
Operating hours:	One shift Two shifts Continuous (circle one) Other					
Service size:	Amps Voltage					
	Overhead or Underground (circle one) Single-phase or Three-phase (circle one) Estimated connection date of permanent service (mm-dd-year) Is temporary service required? Yes No					
	Is streetlighting required? If so Quantity Type					

New Connected Load						
	Load ¹					
Load Type	Single-Phase (kW)	Three-Phase (kW)	Connected (kW)			
Lighting						
Receptacles						
Water heater						
Cooking						
Electric heat						
Refrigeration/HVAC						
Largest size	tons					
Motors ²						
Largest size and locked rotor amps (LRA)	kW	LRA				
Welders						
Largest size	kW					
Computers						
Elevators						
Electric vehicle (EV) charging unit						
Number of EV units						
Other loads						
Total connected kW						

1. Typical conversion factor: 1 hp = 1 kW; 1 ton = 1 kW

2. Motors that are 10 hp or larger may be required to be equipped with reduced voltage starters.

NOTE: When inadequate or inaccurate information results in design changes, the cost will be borne by the property owner or electrician.

Site grading, utility, and landscaping plans are required to complete the PGE electrical design.

Hard copies of the service request form, scaled plot or site plan, and building footprint may be mailed to 7800 SW Mohawk St., Tualatin, OR 97062. See *Appendix A, Required Files for Service*. Contact a Service Coordinator at 503-323-6700 or 800-542-8818; files may be faxed to 503-612-3501.