

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
October 26, 2020
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Bill Branigan, Mike Franklin, and Gary East.

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, and Braulio Escobar.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:02 p.m.
2. **Unfinished Business.**
 - A. **Updated Draft of NMC Chapter 9.25, Regulating the Placement of Small Wireless Facilities within Rights-of-Way (5G Implementation).** Tokos reviewed the amendments to the draft of Chapter 9.25. Berman thought that 10 percent should refer to all structures, not just poles. Tokos would change this. Patrick asked if this would be a problem for short light poles. Tokos thought this would be put in the design guidelines. He had a conversation with Central Lincoln PUD (CLPUD) and the acorn lights were probably too small for this purpose anyway. The ideal height for 5G development was about 35-45 feet and acorn lights were about 14.5 feet tall to the base of the light fixture. Tokos suspected there were a lot of underground utilities and decorative poles, and they would look for other ways to do 5G development. CLPUD might also go with a different pole design to accommodate 5G deployment either inside the pole proper, at a specific mounting location, or a combination of both. Tokos noted that he had added in the requirements that the applicant would need to explain how they would meet the design standards.

Bill Branigan joined the meeting at 6:09 p.m.

Tokos reviewed the changes to routine maintenance, and the permit review procedures next. He reported that when he looked closer at the clock as it was built into the federal rules, the timeline needed to be changed from 30 days to 10 calendar days to identify if there was any missing information. The City would have to call out in writing what was missing in their application and point to the specific rule or regulation that called for the information that they didn't provide. Berman questioned if 10 days was enough time and asked if it could be changed to 14 days. Tokos explained the 10 days was in the federal rules and there was no flexibility. Hanselman asked if it was a federal rule to have them as calendar days rather than business days. Tokos would take a look into it and noted if flexibility could be built in to it they would.

Tokos reviewed the changes to maximum heights and permit duration. If it looked good he would route this for review by the City Attorney and share it with their partner utilities who had infrastructure in the rights-of-way (ROW) to see if they had any comments on the framework they were putting together as well. Patrick noted that they could not collocate in CLPUDs standards. Tokos didn't know if CLPUD thoroughly vetted this but didn't think the City had to worry about it because it was CLPUD's fight. Berman asked if Public Works signed off on this. Tokos reported they were involved but he didn't shared the changes with them yet.

3. **New Business.**

A. **Draft Small Wireless Facility Design Standards.** Tokos reviewed the small wireless facility design standards next and explained that he thought it would be good to have design standards as a handout with the application. Berman thought this was a good idea. Tokos noted that the intent of the design standards was that they were something that would be updated on a more frequent basis and they could easily be changed by City Council resolution.

Tokos reviewed the general requirements and ground mounted equipment requirements next. He asked for the Commission's thoughts. Berman didn't like the word "discourage" and thought it was too vague. He thought it should say "permitted under certain conditions" or "not permitted unless." Franklin thought that putting poles on Highway 101 and Highway 20 would be more expensive but was the direction that the city was wanting to move. Tokos explained that presently they couldn't put antennas on the ground because they would have to be 35 to 45 feet in the air to get the reception they were looking for. Ground equipment, power sources, and back up devices could go on the ground. The question was if the Commission wanted to discourage this and require equipment to be put on the pole if technically feasible. Hanselman asked if each antenna needed to have an equipment box. Tokos didn't know. Hanselman thought that poles that were shared by multiple franchises might look interesting with different boxes on them. Branigan asked what height the pole needed to be. Hanselman explained it was determined by how the cubic feet added up.

Hanselman thought that if ground mounted equipment had the possibility of making it difficult to get to underground services it would end up costing more to get to the underground material. He thought it would be more cost effective to put equipment up where it didn't automatically interfere with any underground work that might have to be done. Berman wanted to see language that said that ground mounted equipment was not permitted unless there was no other technically feasible alternative. Branigan thought they ran the risk for vandalism if they put equipment on the ground. He questioned how much equipment the companies would actually put on the ground. Tokos thought this was a good point and guessed that the equipment would be in something like a transformer box typically. Capri asked if they would put in a pole just for this in areas such as the Bayfront where poles weren't already there. Tokos confirmed they would and they could couple it with building mounts as well. He didn't think that multiple poles for 5G would go up in the same area because it cost too much. Franklin noted the CLPUD poles along Highway 101 weren't in good shape. He had concerns about allowing multiple companies to come in and add a lot of equipment to the poles, then have them fail. Tokos explained that this would require utilities to swap out poles with something more robust. East asked if 5G would deploy before utilities went underground. Tokos explained that the thought was to have the framework in place in advance of the implementation. It would be in place before because it would take at least 5 years to have enough urban renewal funds to do the undergrounding.

Berman asked what the implications were if the city or CLPUD decided to put utilities underground. Would the companies who had other pieces of equipment on the existing poles be required to fix the situation for their purposes. Tokos confirmed they would and explained this would be part of the franchise agreements. They would be provided notice in advance and would be required address it. Branigan noted the wavelengths for 4G was 10 miles and 5G had a much shorter wavelength around 1,000 feet. Unless they figured out how to extend 5G, it would mean a forest of poles or a lot of them being placed on the sides of buildings. Tokos agreed and thought some would be on light poles and some on buildings to get the network they wanted.

East asked if there was a set distance for light standards on Highway 101 through downtown. Tokos explained it was the function of whatever the street lighting spread was. Every light fixtures had a different light spreads and it was analyzed to make sure there was sufficient coverage. East thought if there was a standard distance for lighting at 1,000 feet, it would give them enough coverage and they wouldn't need to change the design of the street pole. Berman thought 1,000 feet was a maximum and it could be considerably less than that.

Tokos continued his review of the design standards. Hanselman noted the 15 cubic feet standard suggested that there could be five antennas on a pole. He didn't think this would be very positive aesthetically. Hanselman wondered how many equipment boxes there would be for multiple carriers and how it would affect wind load. Tokos pointed out that the design for poles would have a limiting factor if the pole couldn't handle them. The city would assess their poles to see if they could handle the load. If the pole couldn't handle it, the applicant

would be told and the antenna would not be added then. Hanselman thought this was something people wanted to look into and he wanted to see it reduced. Tokos asked Hanselman what he thought it should be. Hanselman thought two or three should be sufficient and they should do something so poles didn't become gigantic small towers. Patrick thought this was why CLPUD didn't allow collocation because each of them would need a cabinet. Berman thought three cubic feet was very generous for the equipment cabinet. Franklin thought they were missing something on this and didn't think there would be many towers going down the sidewalk because it wouldn't be feasible for companies to do them. A discuss ensued regarding the amount of equipment shown on the different photo examples in the meeting packet. Tokos noted this would be evolving. By the time 5G was in Newport it will be different. Patrick was okay with 15 cubic feet with antenna and thought they would be more limited on CLPUD poles. Berman noted there was probably three carriers who would be implementing 5G. If this was implemented by resolution they could go back and take a look at it if circumstances changed. Berman was fine with the language because it would be years before it would become an issue. Tokos noted the standard was pulled out of a model code the League of Oregon Cities put out. In this regard it would be reasonable and they could revisit it if it became problematic. Tokos reported that there was no requirement to illuminate equipment.

Tokos reviewed the standard that said that small wireless facilities could not displace any existing street tree or landscape features guidelines. Berman thought that this section should say it would be "in accordance with the adopted tree manual" instead.

Tokos reviewed standards for attaching small wireless facilities to wooden poles and non-wooden poles with overhead lines. Berman thought this was the area where they needed to make "10 percent" more consistent. Tokos reviewed the guidelines that the antennas must be camouflaged on the pole. Berman thought this was weird and didn't understand how the antenna would look if it was on a wooden pole. Tokos explained they would paint it as close to the color of the pole to camouflage it.

Tokos reviewed the concealment of equipment guidelines. Berman asked if conduit and fiber needed to be concealed inside the pole. Tokos confirmed it did unless it wasn't technically feasible to do so. If not there were other options to camouflage. Berman thought the last sentence of Section D.2 needed to say "if technically feasible" as well. Tokos thought there would be circumstances where they wanted a pole that didn't have an interior. Patrick didn't see there being any poles like this. What they were talking about was where they wanted to get antennas hidden in the poles. Berman thought this limited their flexibility without adding if technically feasible.

Tokos reviewed the replacement pole requirements for non-wooden poles. Hanselman asked why there was a big change in heights. Tokos explained a lot of the lighting wasn't that tall and below what they wanted to do operationally. Berman asked who would get the letter in writing that was required. Tokos explained they would have to submit a letter to the city in writing dictating a different height for some reason.

Tokos reviewed the new poles section next. Franklin pointed out that the example on page 26 didn't have equipment at the top because that was where the utilities had to have their equipment. He asked if this was why they were requiring up to 45 feet and asked if it was wrong to only allow up to 40 feet. Tokos explained these were new poles and not replacement poles. They wouldn't be beholden to the utility provider's needs. Berman asked if it was clear in the definitions that 40 feet was after the whole thing was construction, not the extension off the top of the pole. Tokos confirmed this was strictly the pole height. Berman asked if the antenna could be above this. Patrick thought this was where they would be putting a pole up by itself to put the 4G on it. Tokos explained they could put an antenna array at the top and it could nominally extend above 40 feet, but not by a lot.

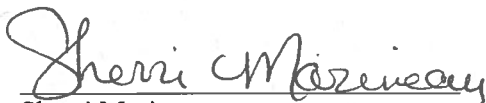
Tokos reviewed the historic district requirements, strand mounted equipment, and deviation from design standards next. Franklin thought the deviation standards sounded like a free for all and let them put their equipment where they wanted because it didn't work for them. Berman thought the city would have no technical expertise to know whether it materially inhibited or limited the service and network performance. All of these were vague and only a communications engineer would know if this was true or not. Tokos explained they

would end up defaulting to Section H.2 and H.3. The city would have a back and forth with them and point to different examples. Hanselman noted that half the committee that put this together were representatives from the industry and it put the city at a disadvantage because they didn't have a background in it. Franklin reminded that by the time this got to the city the technology would be more advanced and would change. Tokos reminded they could do changes by resolution. Once the standards were put in place they would revisit it periodically. Berman asked if the applicants had any appeal rights if they were turned down. Tokos thought it would be done through the FCC. Escobar thought that they would sue the city when they didn't get their way. He thought they would say the FCC would take precedent over city rules. Franklin asked when communication companies approached the city with an entire plan for everything they wanted to implement, would the city only have 10 days to approve. Tokos clarified that they could submit batch applications and bring in multiple deployment sites as part of a single application packet. The City would be stuck with the rules because of the FCC. Tokos noted that if they were deploying in 10 different areas they were probably deploying the same equipment effectively. Franklin thought this would make it hard to catch poles that were over utilized with equipment. He didn't see the city keeping up with this because the city would be steamrolled by the information. Berman explained the 10 days deadline was only to determine the completeness of the application. Patrick noted this would have to go by CLPUD and they were more restrictive than the city standards.

Tokos reported there were three companies that had already approached the city for franchises. He would make changes to the standards based on the Commission's feedback. Tokos would bring forward the private party part of the review to the Commission as the third part of the small wireless review.

- B. Transportation System Plan Fall Virtual Events.** Tokos asked the Commission to share the flyer for the virtual events. He noted the November 21st event would be an interactive virtual workshop. There would be inserts that would go out with the city billing and a post card would be mailed out city wide for the events. Tokos asked which Commissioners wanted to participate. Berman, Patrick, Hanselman, and East stated they would be participating. Tokos noted they would send out a notice since there would be a quorum of Commissioners participating that day.
- C. Updated Planning Commission Work Program.** No discussion was heard.
- 4. Adjourn.** The meeting adjourned at 7:13 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant