



The Salisbury Planning Board held its regular meeting Tuesday, September 14, 2010, in the City Council Chamber at Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Robert Cockerl, Herman Felton, Jr., Will Hasselmann, Richard Huffman, Carl Repsher, Patricia Ricks, Bill Wagoner, and Eldridge Williams

ABSENT: Tommy Hairston, Benjamin Lynch and Albert Stout

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for **ACCESS16 Television** by Jason Parks.

Robert Cockerl called the meeting to order and offered an invocation. The Planning Board adopted the agenda as submitted. The minutes of the August 10, 2010 meeting were approved as submitted. Mr. Cockerl made an explanation of a courtesy hearing.

NEW BUSINESS

A. LDO Text Amendments

- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency
- Recommendation to City Council

LDOTA-09-2010 Wireless Telecommunication Facilities

Preston Mitchell made a staff presentation.

The City of Salisbury currently has two conflicting Wireless Telecommunication Facility (WTF) ordinances. In 2001, a Wireless Telecommunication Facility ordinance was adopted into the City Code; then, a separate Wireless Telecommunication Facility ordinance was adopted as part of the recent zoning ordinance amendments that created the Land Development Ordinance (LDO) in 2008. The newly drafted language in the LDO was intended to replace the City Code language, and now the intention is to repeal the City Code language.

A draft document with strikethroughs and underlines was distributed to the Planning Board as a proposal to insert language from the City Code WTF ordinance (that never made it into the LDO version) into the LDO. If adopted by City Council, the LDO language will be comprehensive in nature and it will be possible to repeal the entire WTF ordinance in the City Code.

This draft proposal covers everything from WTF siting to co-locations and tower/antenna standards. It is comprehensive in design, clearly defines all requirements for future facilities, and has received general approval by the department director and telecommunications manager of the Information Technology Services department of the City of Salisbury.

Highlights

(Example of Chapter 3 of the LDO)

1. Location of Wireless Telecommunication Facilities

a. Applicants for wireless telecommunications facilities shall demonstrate to the city its efforts to locate, site and erect said wireless telecommunications facilities in accordance with the following preferences, one (1) being the highest preference and four (4) being the lowest preference.

(1) On existing telecommunications towers or other tall structures;

(2) Co-location on a site with existing wireless telecommunications facilities or structures;

(3) On municipally owned properties;

(4) On other property in the city.

b. If the proposed site is not the highest preference listed above, then a detailed written explanation must be provided as to why a site of a higher preference was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

c. An applicant may not by-pass sites of higher preference solely because the site presented is the only site leased or selected. An application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of commercial impracticability or hardship.

d. Notwithstanding the above, the council may approve any site located within an area in the above list of preferences, provided that the council finds that the proposed site is in the best interest of the health, safety and welfare of the city and its inhabitants.

e. The applicant shall submit a written report demonstrating the applicant's review of alternative sites considered in light of the preferences, demonstrating the technological reason for the site selection. If the site selected is not the highest preference, then a

detailed written explanation as to why sites of a higher preference were not selected shall be included with the application.

f. The applicant shall, in writing, identify and disclose the number and locations of any additional sites that the applicant has been, is, or will be considering, reviewing or planning for wireless telecommunications facilities in the city, and all municipalities adjoining the city, for a two year period following the date of the application.

g. Notwithstanding that a potential site may be situated in an area of highest preference or highest available preference, the council may disapprove an application for any of the following reasons:

(1) Conflict with safety and safety-related codes and requirements;

(2) Conflict with traffic needs or traffic ordinances, or definitive plans for changes in traffic flow or traffic ordinances;

(3) Conflict with the historic nature of a neighborhood or historical district;

(4) The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;

(5) The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the city, or employees of the service provider or other service providers;

(6) Conflicts with the provisions of this article.

2. Lot Size and Setbacks for Wireless Telecommunication Facilities

a. All proposed wireless telecommunications facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on-site ice-fall or debris from a tower or tower failure, and to preserve the privacy and sanctity of any adjoining properties. The minimum setback for a tower shall be the height of the tower plus ten (10) feet.

b. All proposed wireless telecommunications facilities shall be located with a minimum setback from any property line a distance equal to the height of the wireless telecommunications facility or the existing setback

Page 3-16 added

ii) That the height of the proposed wireless telecommunications tower is no greater than the minimum necessary to provide adequate service to the applicant's proposed coverage area and in no instance shall the height exceed 200 feet....

Page 3-17 added

viii) That in order to better inform the public, in the case of a new telecommunication tower, the applicant shall prior to the public hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised, by the applicant, at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in city and agreed to by the council. The applicant shall inform the council, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least eight (8) consecutive hours sometime between 7 a.m. and 4 p.m. of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a week day.

The handout was 8 pages—

Staff recommended approval, stating that nothing proposed was inconsistent with the Vision 2020 Comprehensive Plan.

If the Planning Board wishes to include language that requires a community meeting, then Planning Board needs to determine a distance from the proposed development or the proposed tower for notifications. The board discussed possible elements of notifications.

Dick Huffman believes that it is short-sided, poor planning and poor execution for an applicant not to reach out to the community prior to coming before Planning Board and City Council. He is not sure that notification should be required by ordinance and would like to think about it.

Herman Felton, Jr. said he would be willing to work on this on the committee level. He feels strongly about educating the community and giving them the opportunity to voice their concerns.

Robert Cockerl sided with Mr. Huffman in that, he is not sure that notification sure be required by ordinance. "I think the Board is very aware of the community concern, and they want to be sure that the community's concerns are addressed."

Carl Repsher said he was in favor of the overall proposal, but not ready to approve the public notification requirement.

Bill Wagoner noted that a lot goes into defining a properly conducted public meeting. He proposed adding language that includes "a balloon test should be held prior to the Courtesy Hearing (at the Planning Board level) with proper signage and notifications." This should generate the discussion.

No one spoke in favor or opposition.

Karen Alexander made a MOTION to send **LDOTA-09-2010** Wireless Telecommunication Facilities to Committee 3. Carl Repsher seconded the motion with a vote of (8-0) to approve sending this to committee. Bill Wagoner opposed. Committee 3 (Bill Wagoner – Chair, Herman Felton, Jr., Patricia Ricks and Tommy Hairston) agreed to meet in the first floor conference room Tuesday, September 21 at 11 a.m.

OTHER BOARD BUSINESS

- Preston Mitchell announced that the Eastern Gateway Plan (Formerly the Faith Road Area Plan-FRAP) will come before the Planning Board at the September 28 meeting. The Plan Advisory Committee (citizens from the study area) will be invited to attend.
- The Bicycle Plan (Committee 2) was awaiting help from the consultant. The consultant will not be able to provide information the committee requested. That committee will reconvene soon.
- Planning Board is on track with their goals and will be busy this fall.

There being no further business to come before the Planning Board the meeting was adjourned at 4:52 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary