

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-15	51, 152, 153	Contact	Steven Robertson, 218-730-5295						
Туре	1 '	Small Wireless munication Facilities	Planning (	Planning Commission Date November 14, 2017						
Deadline	Applica	tion Date	Initial: Sep	Initial: Sep 6; Incomplete: Sep 27; Resubmitted: Oct 10						
for Action	Date Ex	tension Letter Mailed	N/A	90 Days* (237.163	Dec 18, 2017					
Location of S	ubject	3 Separate Sites in the City								
Applicant	Verizon \	Wireless	Contact							
Agent	Jaymes I	D Littlejohn	Contact							
Legal Descrip	otion									
Site Visit Date		November 7, 2017	Sign Notic	ce Date						
Neighbor Letter Date		N/A for Concurrent Use	Number o	f Letters Sent N/A for Concurrent Use						

### **Proposal**

The applicant is proposing to "install small wireless facilities on existing distribution poles that are owned and operated by Minnesota Power within the dedicated public right of way. The installation falls with the provisions of Minnesota Statute 237.162 and 247.163, as amended in 2017". The three proposed locations are located in the platted right of way near 4405 West 4<sup>th</sup> Street (DUL Denfeld), 2400 London Road (DUL Red Tide), and 3860 (DUL Duluth East HS).

The wireless facilities will not be stealthed or camouflaged; the equipment will be visibly attached to the exterior of the pole. The attachments will include between 3 to 6 exterior mounted panel antennas or power converters mounted between at least 22 to 32 feet above the ground, with electric meters at about 5 feet from the ground and underground wire connections. The replacement wooden poles will be 35 to 40 feet tall.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Varies	Public Right of Way	Varies
North	Varies	Public Right of Way	Varies
South	Varies	Public Right of Way	Varies
East	Varies	Public Right of Way	Varies
West	Varies	Public Right of Way	Varies

#### **Summary of Code Requirements**

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

- 1) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city:
- 2) No portion of a public easement proposed of use is being physically occupied by the public.

### Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

#### **Review and Discussion Items**

1) Applicant is proposing to "install small wireless facilities on existing distribution poles that are owned and operated by Minnesota Power within the dedicated public right of way. The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017". The three proposed locations are located in right of way near 4405 West 4<sup>th</sup> Street (DUL Denfeld), 2400 London Road (DUL Red Tide), and 3860 (DUL Duluth East HS).

The wireless facilities will not be stealthed or camouflaged; the equipment will be visibly attached to the exterior of the pole. The attachments will include between 3 to 6 exterior mounted panel antennas or power converters mounted between at least 22 to 32 feet above the ground, with electric meters at about 5 feet from the ground and underground wire connections. The replacement wooden poles will be 35 to 40 feet tall.

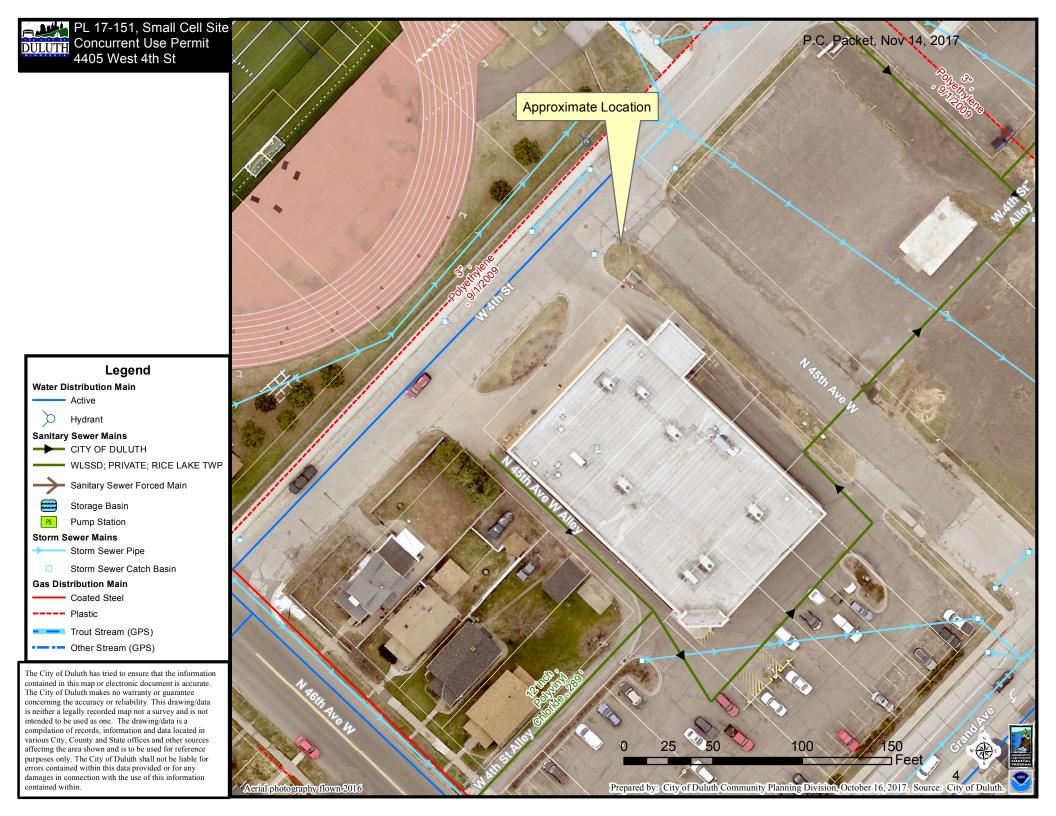
- 2) A concurrent use permit would give the applicant the ability to use the dedicated public right of way, with conditions, at the same time that the public is using the right of way. This permit requires a public hearing and recommendation from the Planning Commission, but is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable agreements between the City and applicants.
- 3) All three facilities will be similar in general configuration. Ownership of the poles will remain with Minnesota Power, with the poles in dedicated public right of way.
- 4) Each of the three sites and replacement wooden poles has had a structure analysis. All three replacement poles will be embedded into the ground a distance of 15 feet.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, especially considering there are existing wooden poles at all three of the locatins.
- 6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these are three small wireless facilities on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use specific standards do not apply in this specific situation.
- 7) The city has the ability to regulate land use, however, the FCC preempts local review on the potential environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.
- 8) At the time that this memo was written, no written comments from the public have been received.

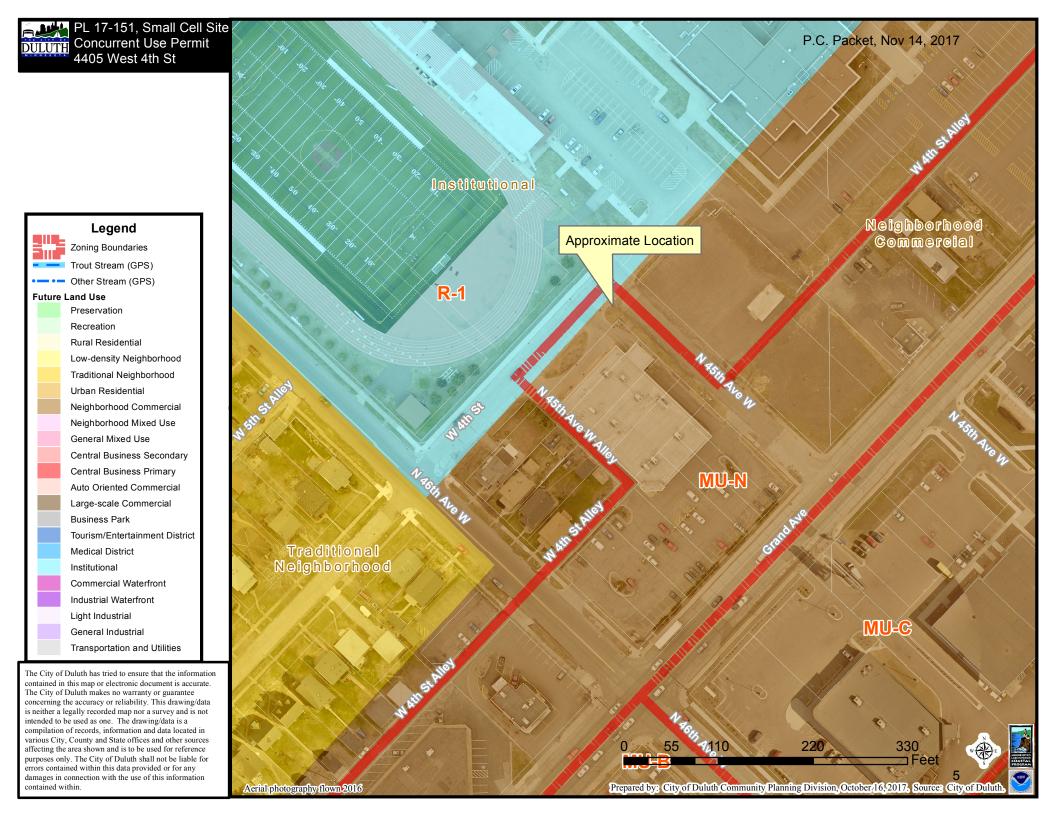
P.C. Packet, Nov 14, 2017

### **Staff Recommendation:**

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the three concurrent use permits subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted on October 10, 2017 and included with this staff report
- 2) Applicant, or his or her successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, all other changes must be approved by amending the City Council's approved ordinance.







# Legend **Water Distribution Main** Active Hydrant **Sanitary Sewer Mains** CITY OF DULUTH WLSSD; PRIVATE; RICE LAKE TWP Sanitary Sewer Forced Main Storage Basin Pump Station Storm Sewer Mains Storm Sewer Pipe Storm Sewer Catch Basin **Gas Distribution Main** Coated Steel ---- Plastic Trout Stream (GPS)

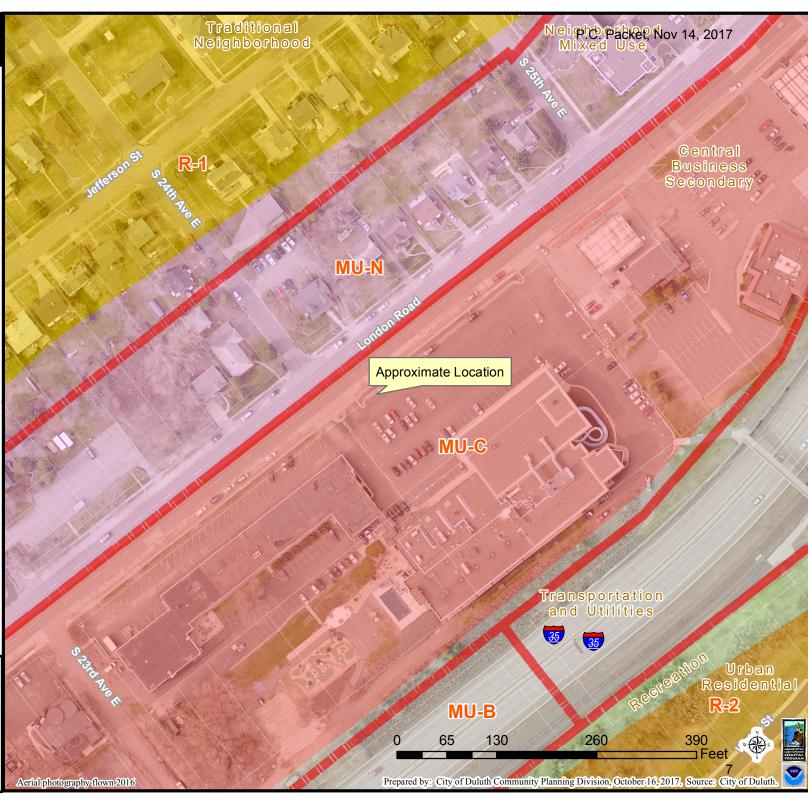
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

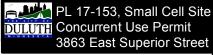
Other Stream (GPS)





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## Legend

**Water Distribution Main** 

Active

Hydrant

**Sanitary Sewer Mains** 

CITY OF DULUTH

WLSSD; PRIVATE; RICE LAKE TWP

Sanitary Sewer Forced Main

Storage Basin

Pump Station

Storm Sewer Mains

Storm Sewer Pipe

Storm Sewer Catch Basin

**Gas Distribution Main** 

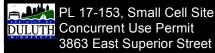
Coated Steel

---- Plastic

Trout Stream (GPS)

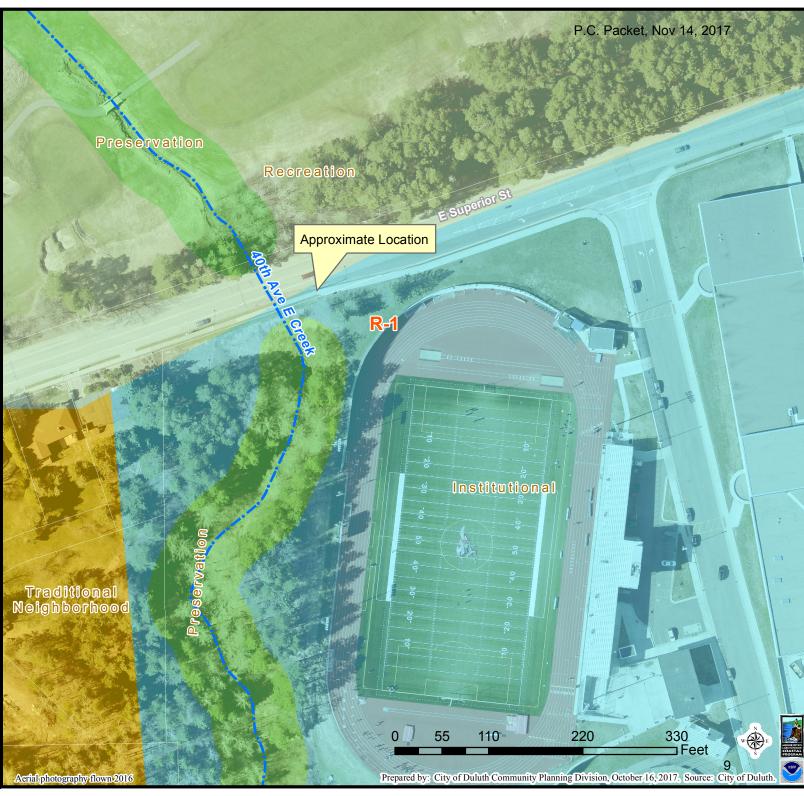
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October 10, 2017

Planning Commission City of Duluth 411 West 1st Street, Suite 402 Duluth, Minnesota 55802

Re: Concurrent Use of Street Permit Application Supplemental Narrative for DUL Denfeld HS SC1

Dear Commission Members:

As discussed in our prior narrative, Verizon Wireless intends to install small wireless facilities on a replacement wood pole owned by Minnesota Power. This replacement pole will be at the same height as the existing pole. As requested by Staff, we have enclosed a street coordinate description for this installation and additional drawings and details. The enclosed drawings provide additional details regarding this installation, including the hand hole vault, restoration of the right-of-way, and any conflicts with existing utilities. These drawings should be used to replace the construction drawings previously submitted to the City for this site.

Once the City grants the Concurrent Use of Street Permit (the "Permit") for this site Verizon Wireless will commence construction based on a make-ready timeline developed in consultation with Minnesota Power. Construction will be completed through use of a standard bucket truck (approximately 12-feet wide by 20-feet long) or vehicle of equivalent size. To minimize traffic obstruction, the contractor will attempt to do most of their work off the main asphalt roadway, but obstruction of one driving lane may be necessary. The pole replacement should take less than half a day to complete, since no concrete curing needs to occur. Antenna and cabling attachment should also require less than a full business day. Enclosed are two examples of Verizon Wireless's traffic control plans accounting for both vehicular and pedestrian use of the right-of-way.

As discussed with City Staff, we understand that the Permit will include a condition requiring that Verizon Wireless indemnify the City in a manner consistent with Minnesota Law, including applicable statutes and the rules adopted by the Minnesota Public Utilities Commission for activities in the public right-of-way.

This installation will provide much needed service in an area where traditional, existing facilities have not been able to keep up with the ever-growing demand for wireless service in Duluth. Therefore, we respectfully request that the Commission recommend approval of the Permit for this site. If any reader of this letter has any question related to any of this installation, please do not hesitate to contact me.

We look forward to working with you to continue improving Verizon Wireless service in Duluth.

Sincerely

Jaymes D. Littlejohn

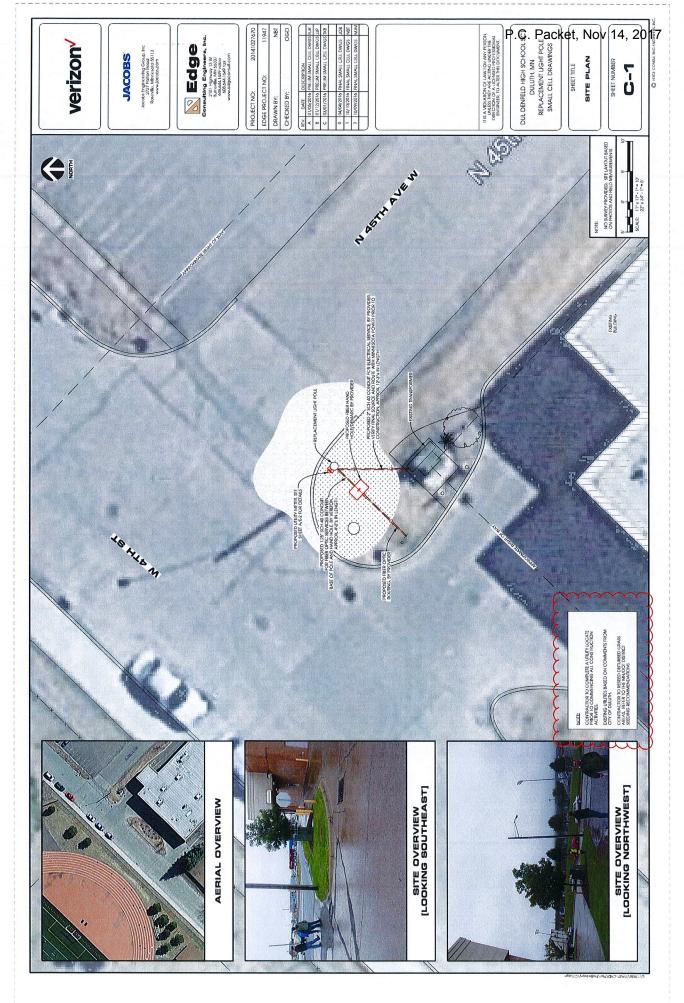
Attorney at Law

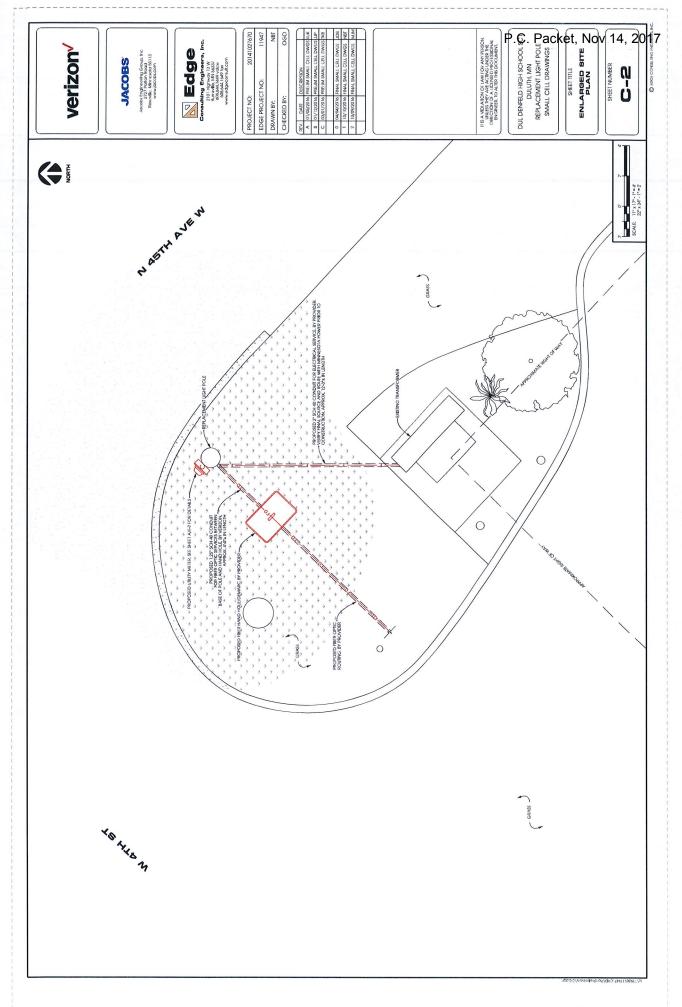
(: (612) 877-5274 F: (612) 877-5 Jay Littlejonn@lawmoss.com

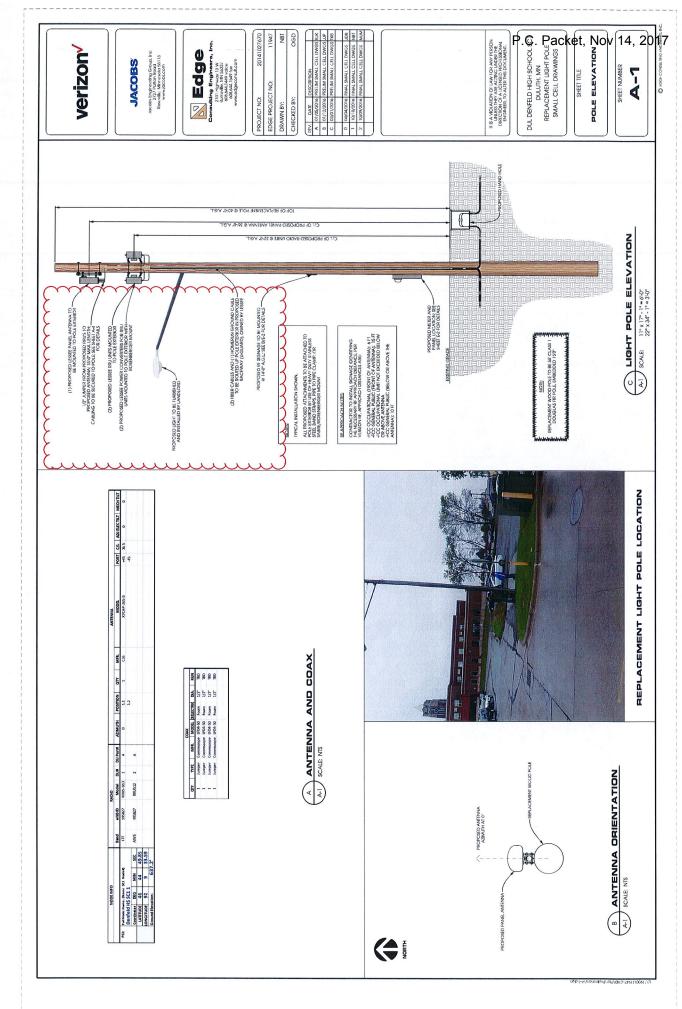
**Enclosures** 

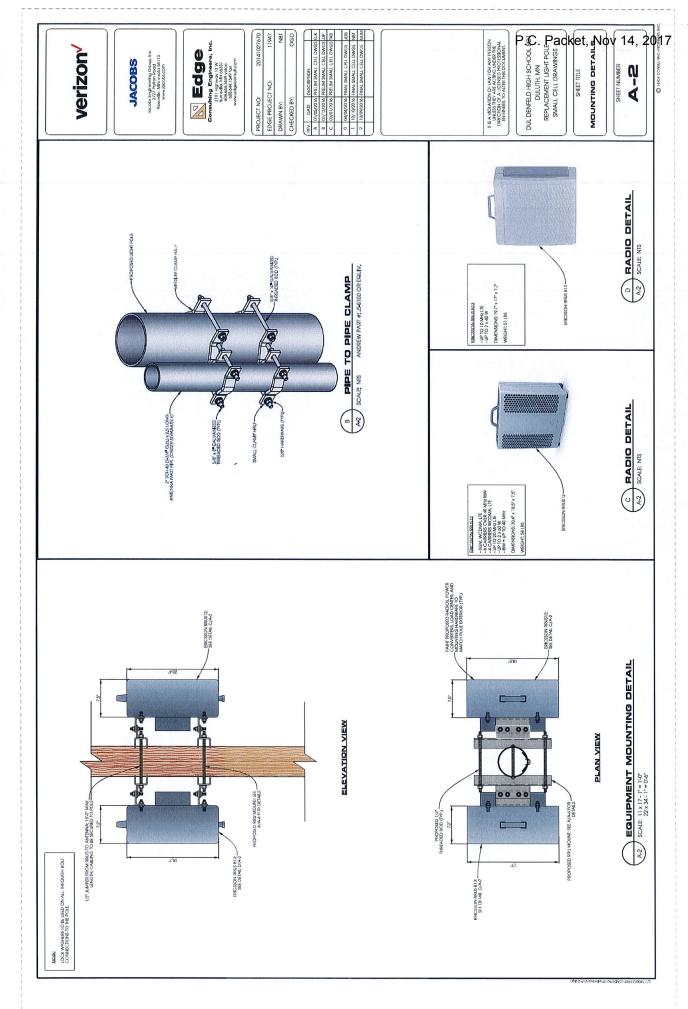
cc: Amy Brandt, Verizon Wireless

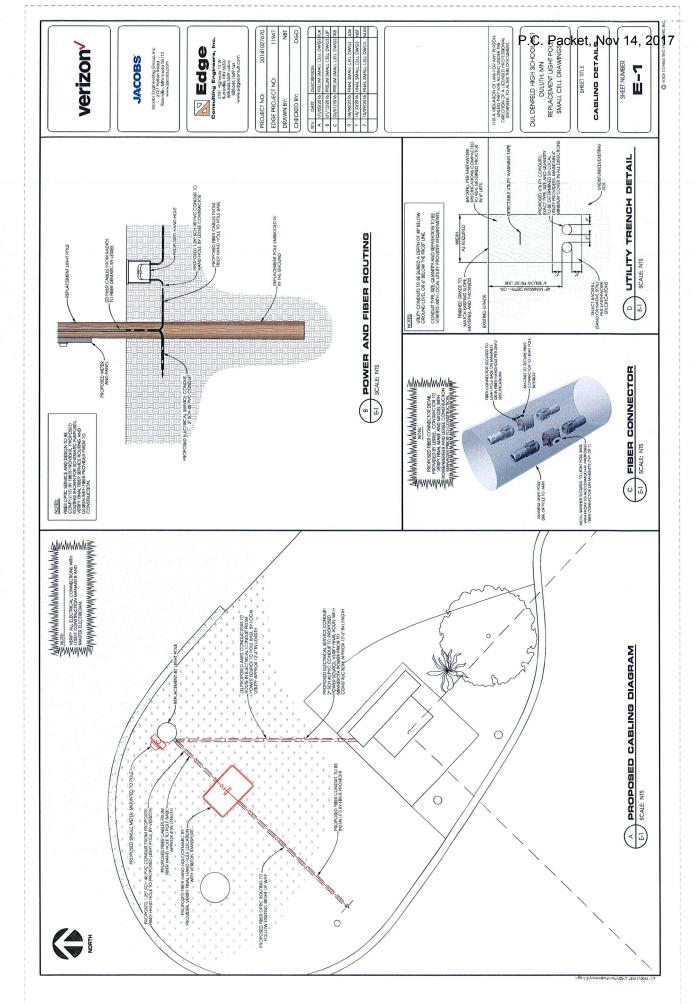
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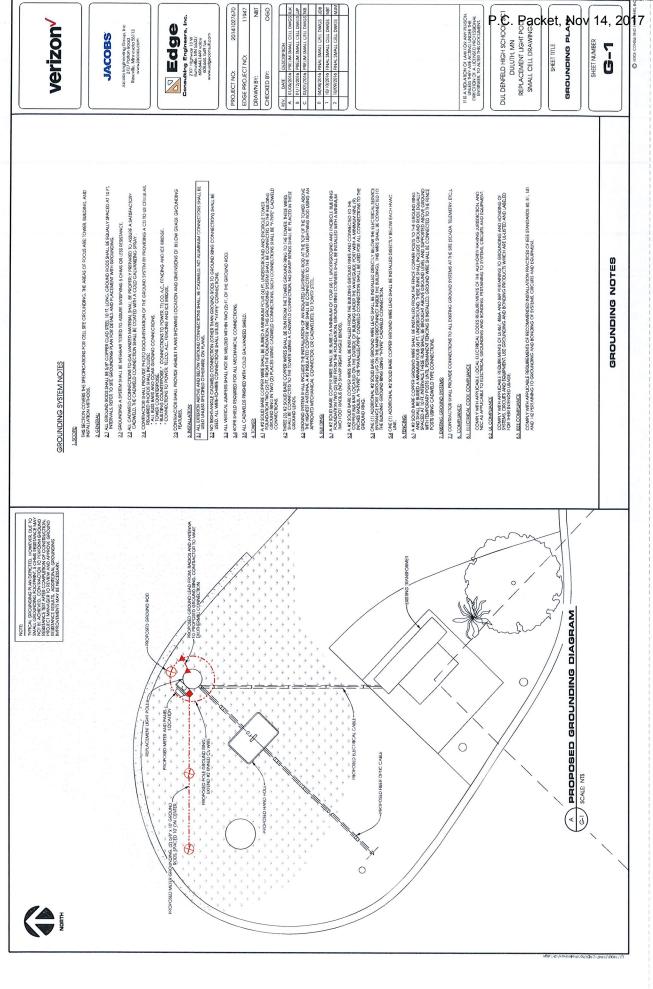














October 10, 2017

Planning Commission City of Duluth 411 West 1st Street, Suite 402 Duluth, Minnesota 55802

Re: Concurrent Use of Street Permit Application Supplemental Narrative for DUL Red Tide SC1

Dear Commission Members:

As discussed in our prior narrative, Verizon Wireless intends to install small wireless facilities on a replacement wood pole owned by Minnesota Power. This replacement pole will be at the same height as the existing pole. As requested by Staff, we have enclosed a street coordinate description for this installation and additional drawings and details. The enclosed drawings provide additional details regarding this installation, including the hand hole vault, restoration of the right-of-way, and any conflicts with existing utilities. These drawings should be used to replace the construction drawings previously submitted to the City for this site.

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We look forward to working with you to continue improving Verizon Wireless service in Duluth.

Sincerely

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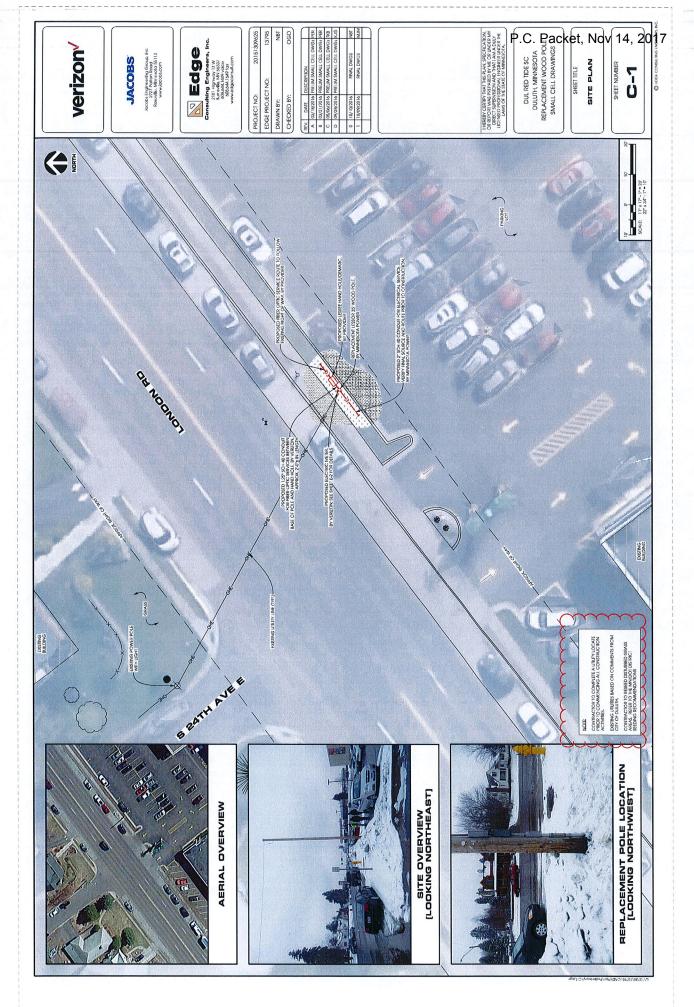
Attorney at Law

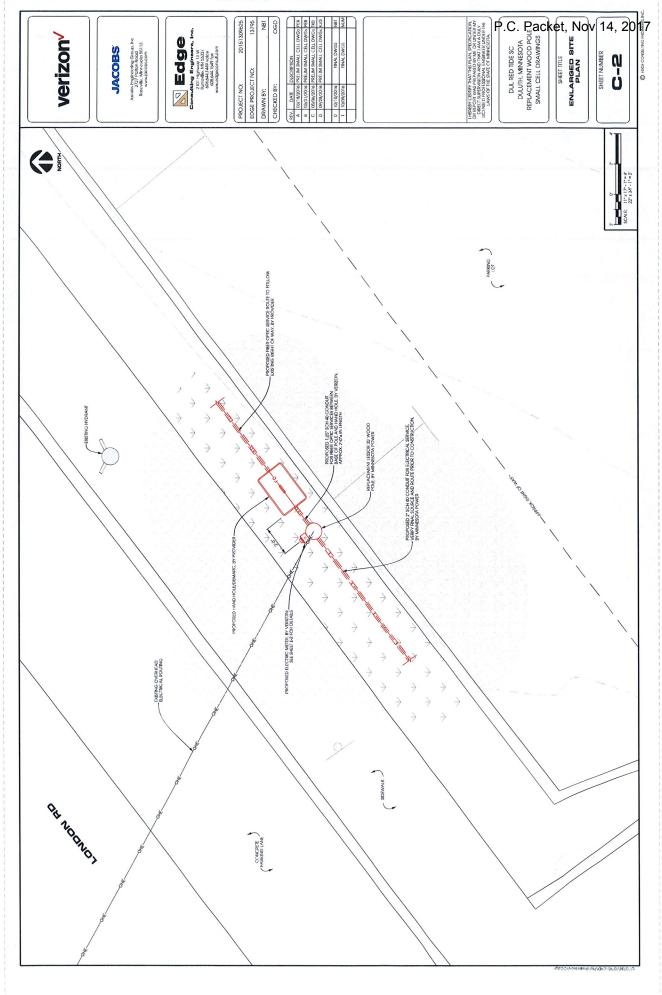
P: (612) 877-5274 F: (612) 877-5047 Jay.Littlejohn@lawmoss.com

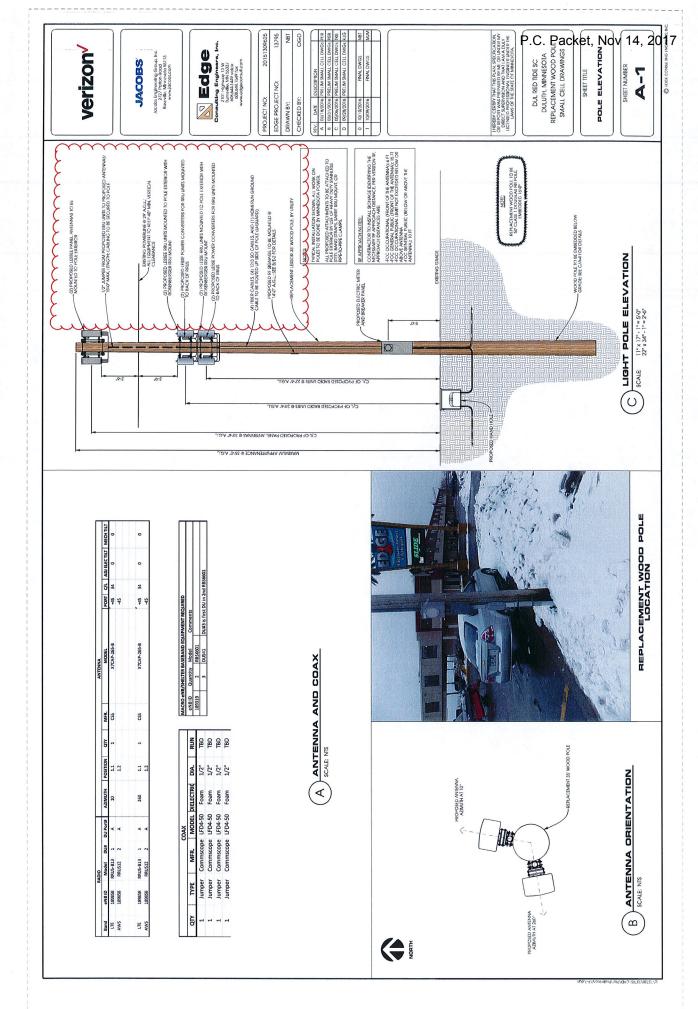
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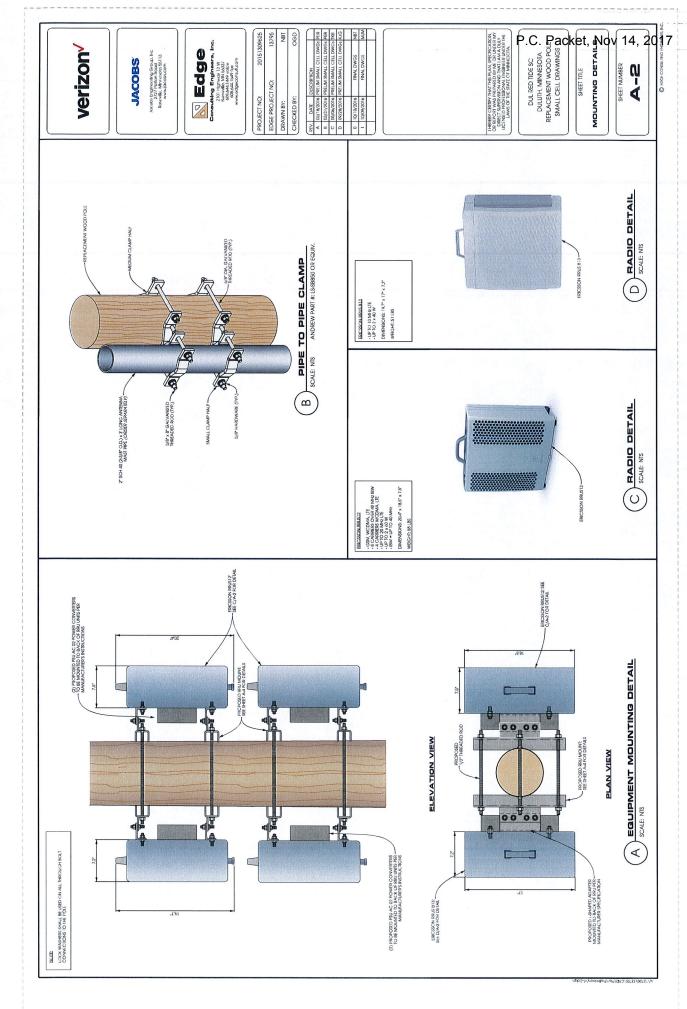
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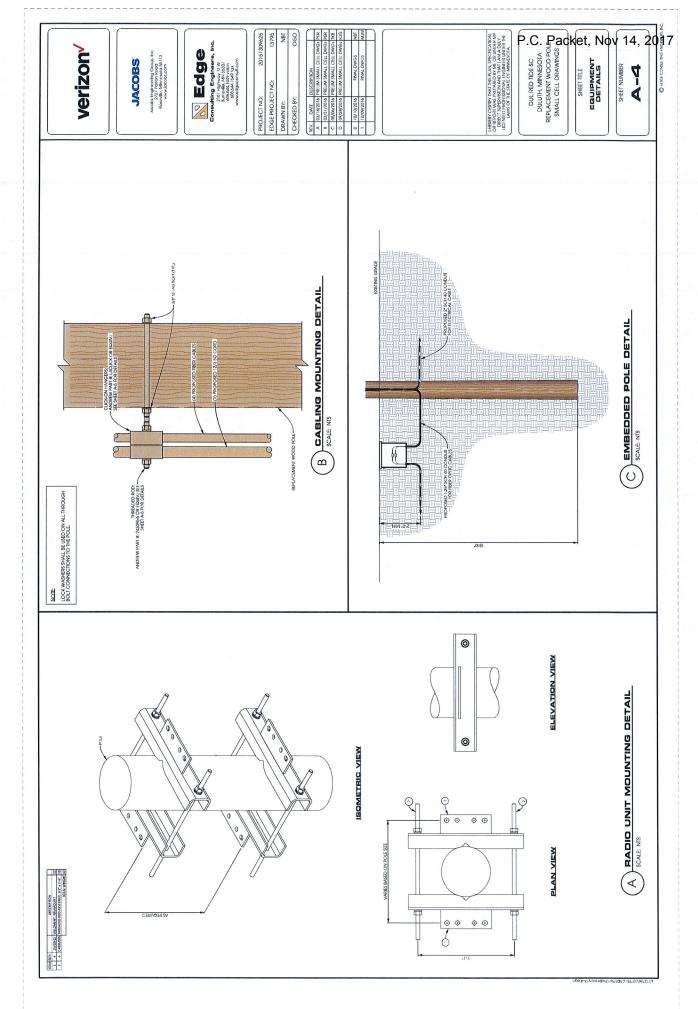
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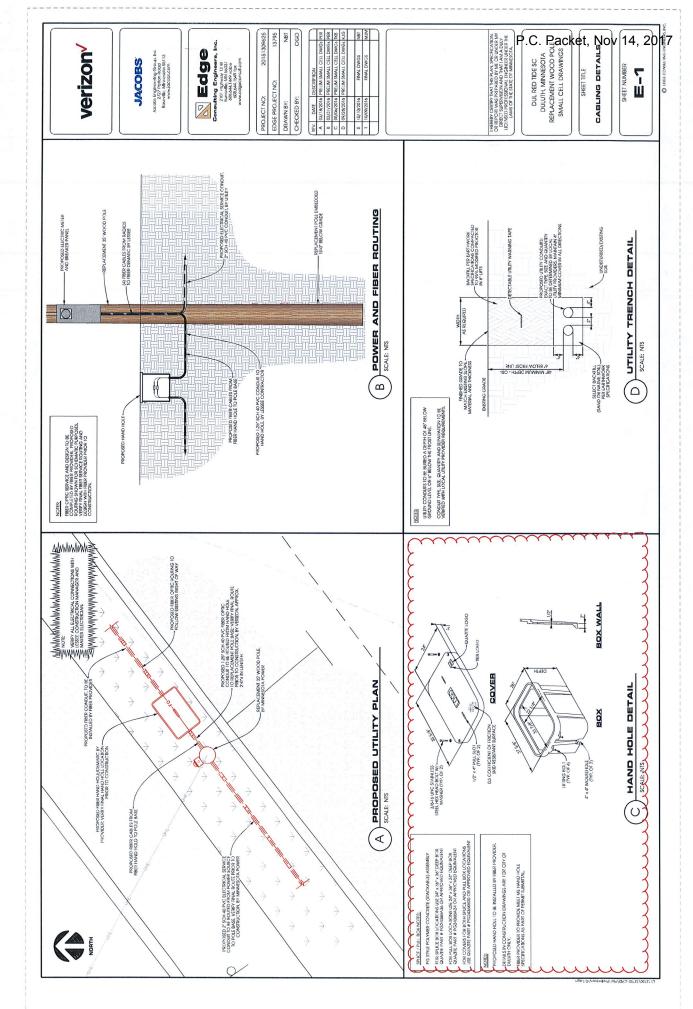














October 10, 2017

Planning Commission City of Duluth 411 West 1st Street, Suite 402 Duluth, Minnesota 55802

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Sincerely

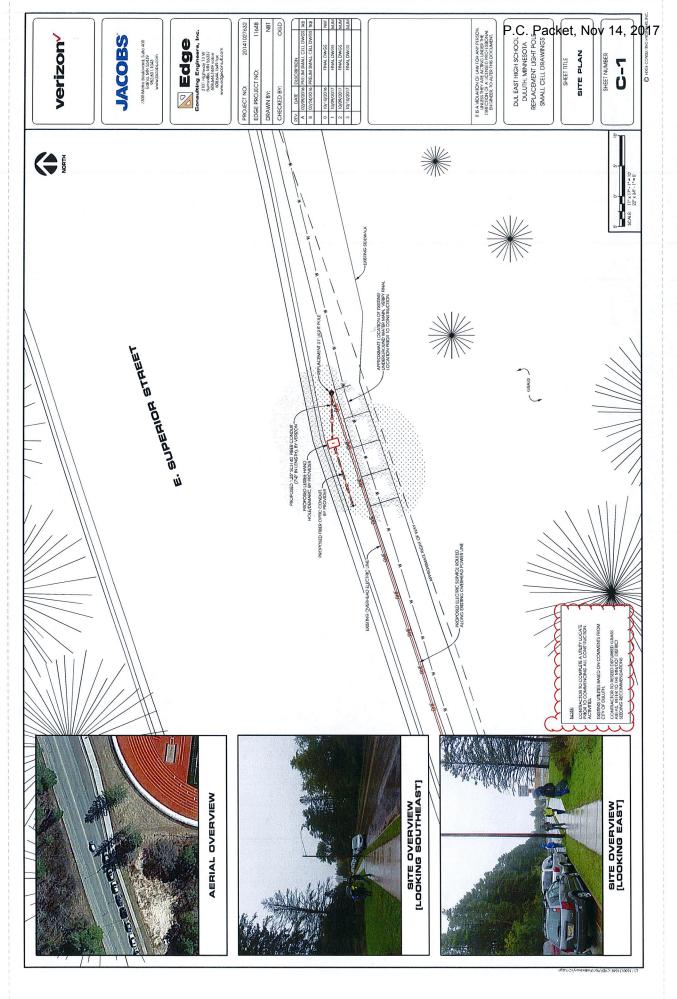
Jaymes D. Littlejohn

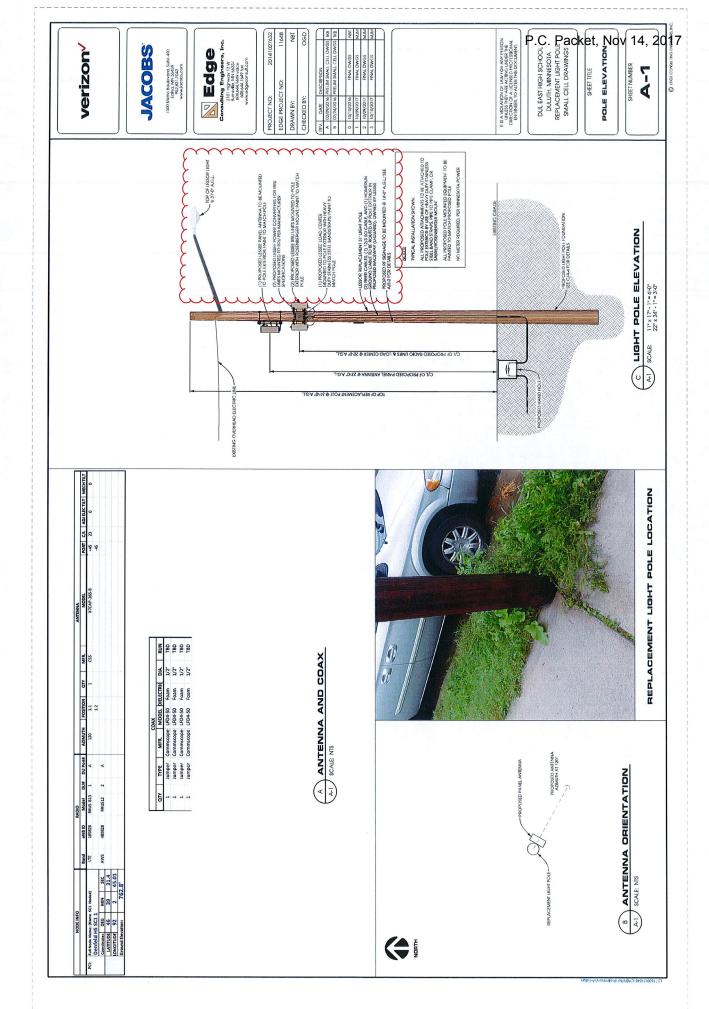
Attorney at Law

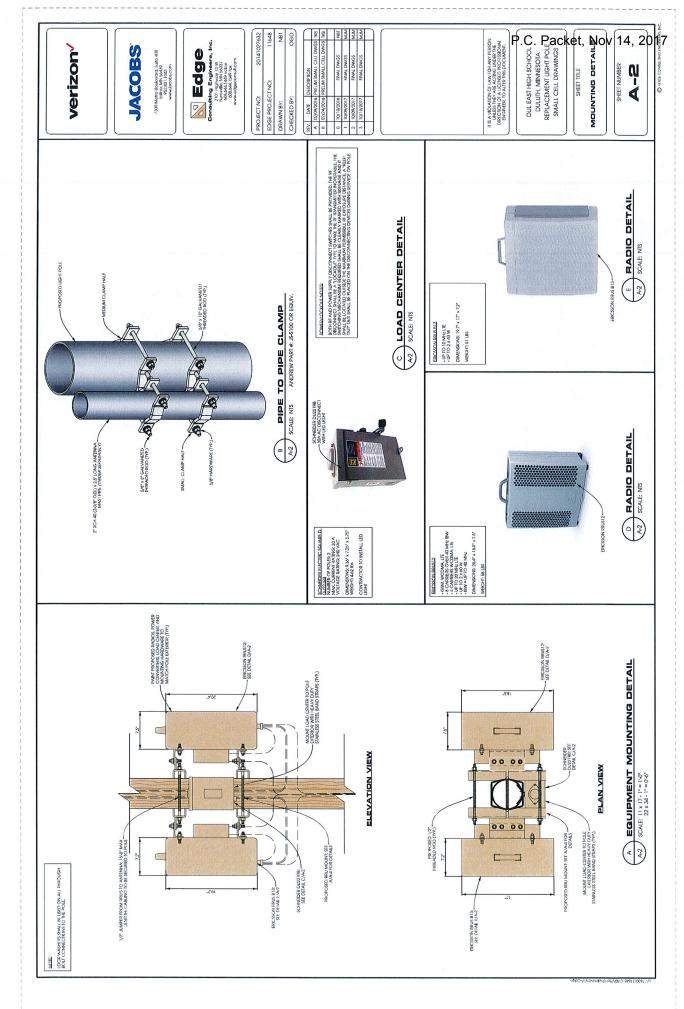
Enclosures

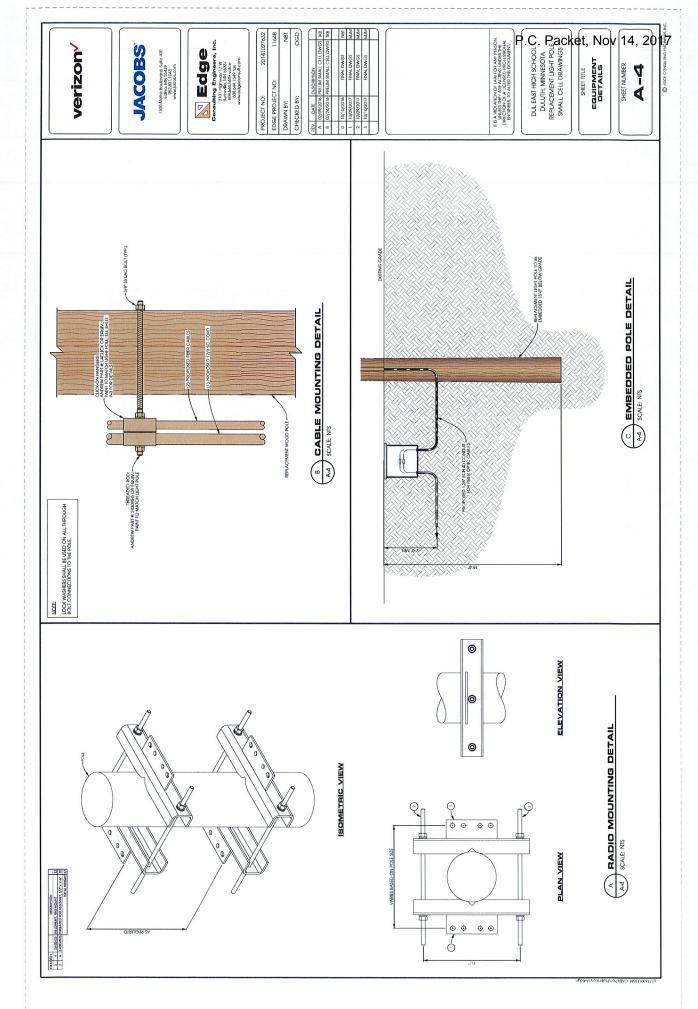
cc: Amy Brandt, Verizon Wireless

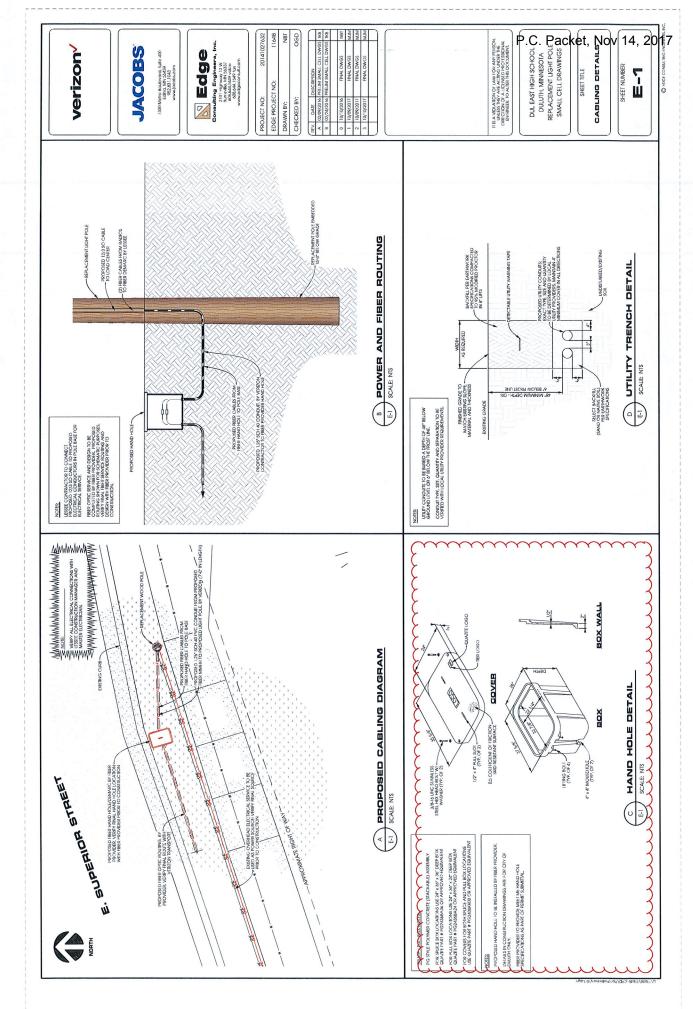
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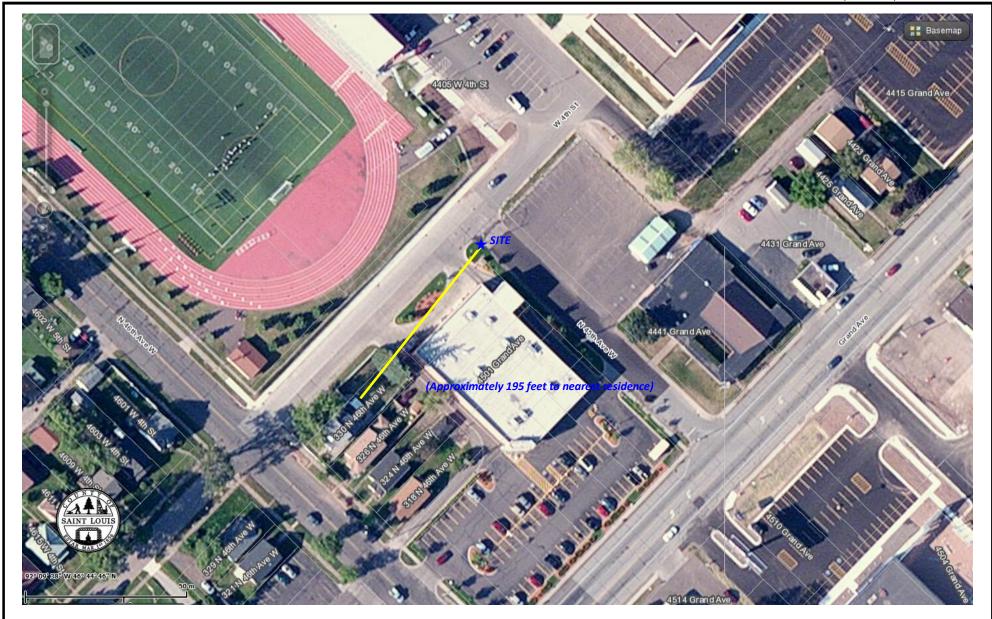














City of Duluth Special Use Permit

**AIR PHOTO/PARCEL MAP** 

Verizon Wireless Small Cell on Culver's Light Pole



Site Acquisi2on | Telecommunica2ons

**Exhibit I** 

# SECTION 1 EXECUTIVE SUMMARY

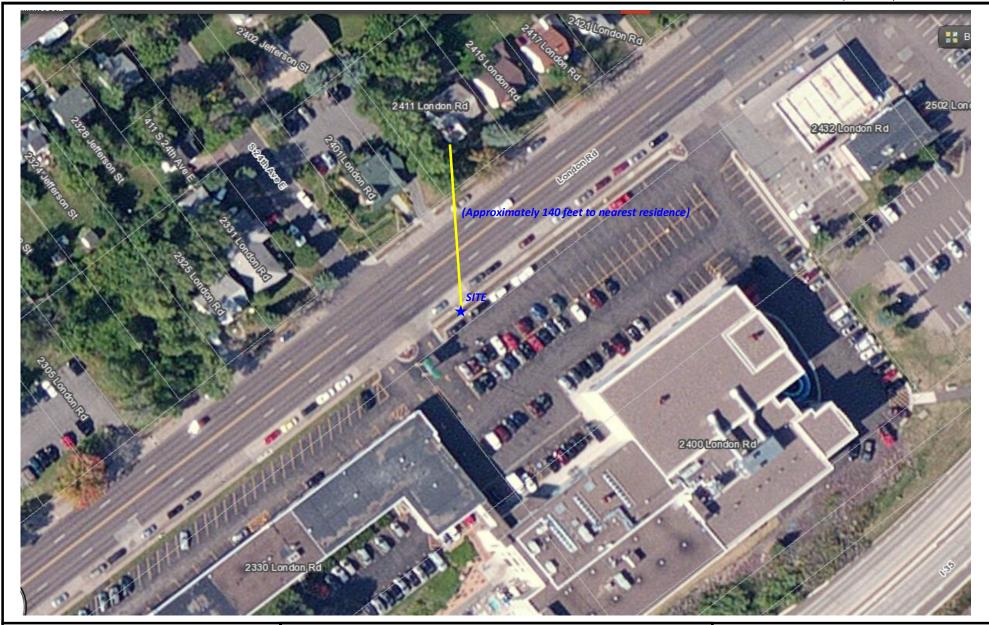
Site Name: DUL Denfeld HS SC1
Site Location: Duluth, Minnesota
Purpose: Small Cell Installation
Structure Type: Proposed 40 ft. Wood Pole

Per your request, we have completed a structural analysis for the above described structure. It is proposed to install the light pole. The proposed pole is to be a 55 foot class 1 Douglas fir pole. It is proposed to be embedded 15 feet, leaving 40 feet above grade. One loading scenario was considered in the analysis. The loading condition takes into account the existing loading along with the proposed loading. The loading condition is described in Section 3.2.

Our analysis was performed in accordance with the current Minnesota Building Code (IBC 2012) and all of its referenced standards.

The results of our analysis indicate that the proposed structure <u>will be structurally adequate</u> to support the proposed change in loading. Refer to Section 3.4 for additional information regarding assumptions for this analysis.

Please refer to the report which follows this summary for further information. Feel free to contact us if you have any questions or concerns.





City of Duluth Special Use Permit

**AIR PHOTO/PARCEL MAP** 

Verizon Wireless Small Cell on MN Power Pole (Red Tide)



Site Acquisi2on | Telecommunica2ons

**Exhibit I** 

# SECTION 1 EXECUTIVE SUMMARY

Site Name: DUL Red Tide SC
Site Location: Duluth, Minnesota
Purpose: Small Cell Installation

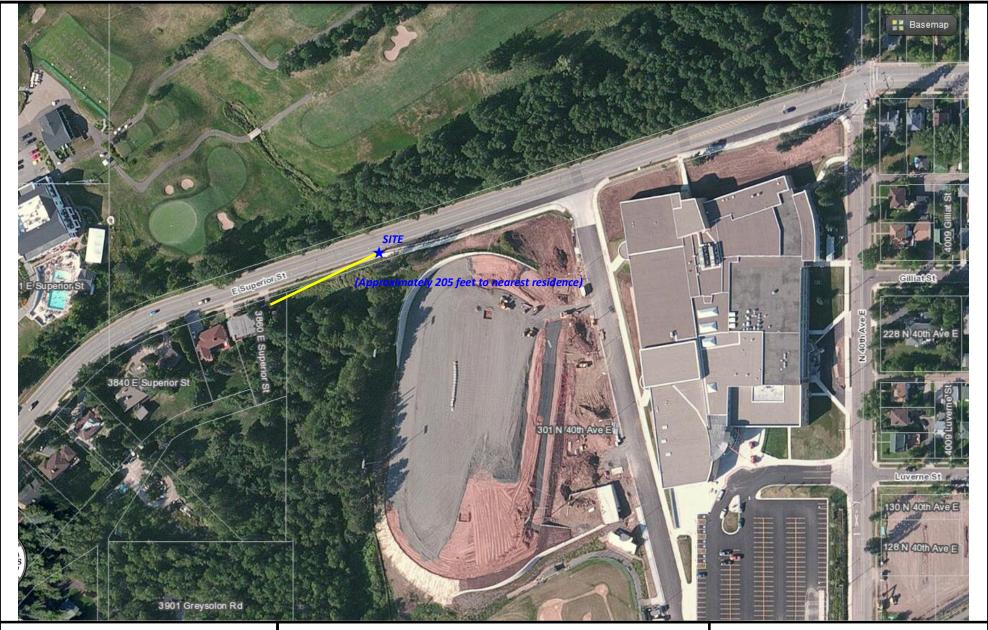
Structure Type: Replacement 35 ft. Wood Pole

Per your request, we have completed a structural analysis for the above described structure. It is proposed to install the wood pole. The proposed pole is to be a 50 foot class 1 Douglas fir pole. It is proposed to be embedded 15 feet, leaving 35 feet above grade. One loading scenario was considered in the analysis. The loading condition takes into account the existing loading along with the proposed loading. The loading condition is described in Section 3.2.

Our analysis was performed in accordance with the current Minnesota Building Code (IBC 2012) and all of its referenced standards.

The results of our analysis indicate that the proposed structure <u>will be structurally adequate</u> to support the proposed change in loading. Refer to Section 3.4 for additional information regarding assumptions for this analysis.

Please refer to the report which follows this summary for further information. Feel free to contact us if you have any questions or concerns.





City of Duluth Special Use Permit

**AIR PHOTO/PARCEL MAP** 

Verizon Wireless Small Cell on MN Power Pole (Duluth East)

**JACOBS**°

Site Acquisi2on | Telecommunica2ons

**Exhibit I** 

# SECTION 1 EXECUTIVE SUMMARY

Site Name: DUL East High School
Site Location: Duluth, Minnesota
Purpose: Small Cell Installation
Structure Type: Proposed 40 ft. Wood Pole

Per your request, we have completed a structural analysis for the above described structure. It is proposed to install the light pole. The proposed pole is to be a 55 foot class 1 Douglas Fir pole. It is proposed to be embedded 15 feet, leaving 40 feet above grade. One loading scenario was considered in the analysis. The loading condition takes into account the existing loading along with the proposed loading. The loading condition is described in Section 3.2.

Our analysis was performed in accordance with the current Minnesota Building Code (IBC 2012) and all of its referenced standards.

The results of our analysis indicate that the proposed structure <u>will be structurally adequate</u> to support the proposed change in loading. Refer to Section 3.4 for additional information regarding assumptions for this analysis.

Please refer to the report which follows this summary for further information. Feel free to contact us if you have any questions or concerns.



March 28, 2016

City of Duluth Construction Services and Inspections Department City Hall, Room 210 411 West First Street Duluth, MN 55802

To Whom It May Concern:

As owner of the following utility poles, we consent to allowing Verizon Wireless to apply for City permits for small cell wireless antennas and equipment on each of the following poles in Duluth:

- 1. Southeast corner of N. 45th Avenue and W. 4th Street (near Denfeld HS)
- 2. (approx.) 3863 East Superior Street (near Duluth East HS)
- 3. Northeast corner of S. 24th Avenue E. and London Road

As attachments to our poles, Verizon Wireless will also be required to obtain attachment permits from Minnesota Power and meet our attachment design standards.

Sincerely,

Minnesota Power

A Division of Allete, Inc.



June 23, 2016

Mr. Steven Robertson, Senior Planner City of Duluth – Community Planning 411 W. 1st Street, Room 208 Duluth, MN 55802

Dear Mr. Robertson,

Cellular Inc. Network Corporation d/b/a Verizon Wireless is aware of the interference issues that can arise while co-locating with other carriers. In the event a collocation by an additional carrier is proposed, careful isolation studies will be performed to determine the correct vertical and horizontal separation between Verizon Wireless' antennas and any other carrier. This will avoid the possibility of our frequency interfering with other equipment. In addition, Verizon Wireless has acquired an FCC license, which exclusively entitles the company to operate within an assigned frequency range. This in turn eliminates any interference issues from CB radios, electronic appliances, pacemakers, fire and police equipment as well as other carriers. In the highly unlikely event that interference does occur, Verizon Wireless agrees to fully cooperate with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by its installation.

Sincerely,

# Michael Koch

Michael Koch RF Engineer – Northern MN Market