

# *Jackson County, North Carolina Office of Economic Development*

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## **Discussion regarding the current cell tower ordinance and its relevance to an ongoing wireless broadband project.**

The Jackson County Office of Economic Development has been engaged with Travis Lewis and SkyFi Wireless Broadband to develop a plan, and to secure funding for a network of 10 new broadband transmission towers located strategically throughout the County. This initiative, which has been vetted and has received much support from the North Carolina Office of Information Technology, would establish the potential for a minimum of 1,200 customers to have access to high-speed internet services. Additional equipment added to these towers in later development phases will significantly multiply that service capacity.

With assistance from the SCC Small Business Center, the Southwestern Commission, and the Educational Resource Consortium of the Western Carolina's (ERC), we recently submitted a pre-certification application to the Appalachian Regional Commission (ARC) to request funding in the amount of \$186,000 for the purchase of said towers, with a matching contribution established by material and labor costs incurred by Mr. Lewis. On May 24<sup>th</sup>, we received a letter from ARC inviting us to complete a full application for the grant, and the final documents will be due on July 31<sup>st</sup>, 2016. ERC has agreed to act as the fiscal agent for the grant if awarded, and this office along with the Small Business Center and Southwestern Commission will provide most of the legwork for the application.

Should ERC and SkyFi be awarded the requested funding, Mr. Lewis would be allowed approximately 24 months to complete the installation of all towers as specified. In addition, any associated fees that would be required for approved tower construction have not been included in the current financial model, meaning that those incurred costs would be the responsibility of Mr. Lewis and SkyFi unless waived, or otherwise modified.

After careful review, this office, along with the County Manager, Planning Office, and Attorney Heather Baker agree that our current cell tower ordinance would be applicable to any new tower construction, as well as would the per-tower fee as specified. There are three points of concern for discussion as follows;

1. The original draft of the Wireless Communication Ordinance allowed for staff review for "Facilities used exclusively for providing broadband services to Jackson County residents

and businesses, provided that the tower or structure to which facilities area attached does not exceed 120 feet in height.” **This provision was removed in subsequent versions and was not a part of the approved ordinance.**

2. Currently the ordinance treats each tower as a new tower and would require a conditional use permit and a quasi-judicial hearing. The cost would be \$5,000 for each application. **The ordinance does allow for an applicant to request a waiver from the Commissioners for all or part of the ordinance requirements (A similar request was made and granted by the County in 2015).**
3. The Planning Staff recommends that the ordinance be amended to include this as a staff reviewed function. Staff is currently working with the County Attorney to identify potential amendments to the Wireless Communications Ordinance. We will ask the Planning Board to discuss potential ordinance amendments as early as July.

In order to clarify the County’s commitment to this particular broadband initiative, and in an attempt to be able to demonstrate that we have mitigated as many financial and regulatory hurdles for the completion of this high-value project, we ask the Board to discuss this matter to determine if there are appropriate measures that could be taken to alleviate the full review process and specified fees.