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Paris, Kentucky 40361
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February 12, 2019

Mr. Guy Bowman:
Paris Bourbon County Joint Planning Commission
525 High Street
Paris, KY 40361

Dear Mr. Bowman and Members of the Planning Commission:

My name is Mary Clay and I oppose the proposed cell tower at 93 East Main Street for the following reasons:

1. The obvious objection to the proposed 199 foot cell tower is that it will be an *aesthetic blight upon the entire northeast portion of Paris*. This is because its height will dwarf this part of town since it is **twice the height** of all but one cell tower in the county. The attached chart which is taken from the 2017 Comprehensive Plan lists all 11 granted or constructed cell towers in Bourbon County. Ten of the towers range in height from 48.8 feet to 107.8 feet with the tallest tower on Houston Road being 167.0 feet tall. The proposed tower will be 20.0 percent taller than the highest one-and that tower is in a rural location.
2. The City of Paris Zoning Ordinance and the 2017 Comprehensive Plan do not support the construction of the proposed cell tower *within or adjacent to* the Central Business District or in proximity to historic structures. These two documents protect these areas from the aesthetic blight from cell towers.
3. The zoning ordinance, 80.207 Cellular Antenna Towers, states its purpose is to:
 - a. To provide for the safest and most efficient integration of cellular antenna towers for cellular communications services within the community;
 - b. To provide for such facilities in coordination with the recommendation of the Comprehensive Plan;
 - c. To allow for such facilities with the intention of furthering public health, safety, and general welfare;
 - d. To foster the promotion of co-location.
 - e. To provide **aesthetic protection** for properties, sites, structures, buildings and objects of historical significance, including those surveyed by the Kentucky Heritage Council and designated as on the National Register of Historic Places, contributing to a Register listing, or eligible for the Register. (emphasis added).
4. The ordinance stipulates that a cellular antenna may be allowed in the following areas.

- a. In any (A-1) agricultural, (B) Business, or (I) Industrial, *except those with in the districts containing the Central Business District, historic properties or scenic highways.*
 - b. Location of a cellular tower in an (R) Residential District, and historic property, the Central Business District (CBD), or near scenic highways is *discouraged, and the placement of a cellular tower in any of these areas should be avoided.*
 - c. A cellular antenna tower...*may be constructed* to a maximum height of two hundred (200) feet in business, industrial or agricultural districts, *except where a tower is located adjacent to residential districts, historic properties or the Central Business District;* then the maximum height shall be one hundred and twenty five (125) feet, and shall consist of a monopole, stealth technology or co-location. **Cellular towers are discouraged in residential districts, historic properties or the Central Business Districts,** except for ones using stealth technology or co-location.
 - d. For clarification, the CBD as used in this ordinance refers to the geographic Central Business District, not to be confused with the B-1 zone characterized as CBD and compared to B-2 General Commercial and B-3 Neighborhood Business.
5. Among the Goals and Objectives of the Comprehensive Plan is: “Cultural Resource: Goal 1 Preserve and protect the community’s historic and cultural resources. This theme is repeated throughout the Comprehensive Plan.
- a. The Comprehensive Plan states that, “In Bourbon County, historic architecture is one of our most important cultural resources...Historic preservation has economic advantages that can positively impact the local economy in the area of jobs, property values, heritage tourism, environmental impacts, social impact, and downtown revitalization.” (Page 5).
 - b. The Comprehensive Plan states that, “the County’s zoning codes and ordinances need to reflect *a sensitivity to the cultural and environmental characteristics of the community when considering cell tower applications.*” (Page 42). It is hard to argue that this application meets this criteria being within 1,500 linear feet of the Bourbon County Court House, arguably one of the most architecturally significant court houses in Kentucky, if not the United States.
 - c. The Comprehensive Plan also states that the ordinances must “provide for such facilities in co-ordination with the comprehensive plan, while protecting the aesthetics of residential areas, the Central Business District, scenic byways, and historically significant structures.” (Page 42).
 - d. The Land Use section of the Comprehensive Plan states, Also, of utmost importance, is maintaining a high-density ‘small town’ character of the

Cities... Smart growth in Bourbon County also will include an embrace of the historic rural character of the community in order to **maintain its uniqueness.**" (Page 52).

- e. Most importantly, the Comp Plan states, "Beyond the individual structures, the **preservation of the streetscape** is an important aspect of maintaining the historic nature of the community." (Page 35).
6. The National Register of Historic Places has designated three historic districts in Paris. These include Downtown Paris Historic District with 360 buildings; Duncan Tavern with 59 buildings and Paris Courthouse Square Historic District with 23 buildings.
 - a. The application makes no reference to any impacts upon the hundreds of nearby historic structures.
 - b. As a result of this omission, I contacted the State Historic Preservation Office (SHPO). Among the documents I received from them was the attached Memorandum of Agreement (MOA) signed by the addressees of this letter. **The MOA acknowledges that the FCC and KHC have determined that the cell tower project will have an adverse visual effect upon the surrounding historic properties.** As a result, mitigation of the adverse effect was **ordered by the FCC.** This included a field survey of historic properties, a report of the survey findings, followed by a photographic exhibit of the data at Rooster Brewing.
 - c. I have communicated with the KHC, as well as Advisory Council Historic Preservation (ACHP) and Rooster Brewing regarding the stipulations outlined in the MOA. Neither KHC nor ACHP has a record of receiving the survey or report; and there was no exhibit at Rooster Brewing.
 - d. In addition, there is **no indication that an Environmental Assessment or Finding of No Significant Impact have been issued** for this project in accordance with the MOA, National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), FCC Regulations, and other relevant statutes and regulations. It is **unlawful** for this project to move forward without first complying with these laws.
 7. With respect to Community Facilities, the Goals and Objectives of the Comprehensive Plan include Goal 1: To provide adequate facilities which will meet the needs for Bourbon County residents.
 - a. The applicant has stated that, "Growth forecasts have triggered the need for an additional site in the area." However, no projections are offered to support this claim. To the contrary, the Comprehensive Plan projects that the 2030 population in Bourbon County will decline to 19,897 from a current high of 20,116. The University of Louisville State Data Center, the Commonwealth's

official demographer, has projected a further decrease in population to 19,111 by 2040. *With no anticipated growth there is no justification for the tower.*

8. *It is ironic that the proposed cell tower is opposite the former Stoner Creek Country Club.* The City's justification for this controversial project was that it is a rare economic development opportunity for the future vitality of Paris with respect to job and tourism growth. I can think of no other influence that would present a blight over this proposed development than a 199.0' cell tower.
9. In my capacity as a real estate appraiser specializing in environmental damage studies I wrote a damage study on the effect of cell towers on proximate residential and agricultural real estate values. In this study I documented as much as a 40.0 percent diminution in value depending on proximity to such towers. (See attached study). The results of the study corresponded to the radius prescribed by medical studies for the safe siting of populations relative to cell towers.
10. Radiofrequency radiation (RFR) exposure is a major concern of proximity to cell towers. Among the conclusions from the study is the following:¹

Citizens and municipalities often ask for firm setbacks from towers to guarantee from towers to guarantee safety. There are many variables involved with safer tower siting—such as how many providers are co-located, at what frequencies they operate, the towers height, surrounding topographical characteristics, the presence of metal objects and others. Hard and fast setbacks are difficult to recommend in all circumstances. Deployment of base stations should be kept as efficient as possible to avoid exposure of the public to unnecessary levels of RFR. **As a general guideline, cell base stations should not be located less than 1,500 feet (~ 500 m) from the population, and at a height of about 150 feet (~ 50 m).** Several of the papers previously cited indicate that symptoms lessen at that distance, despite the many variables involved. However, with new technologies being added to cell towers such as Wi-Max networks, which add significantly more power density to the environment, setback recommendations can be very unpredictable reassurance at best. New technology should be developed to reduce the energy required for effective wireless communication.

In addition, regular RFR monitoring of base stations should be considered.

¹ Levitt, B Blake and Henry Lai, "Biological Effects from Exposure to Electromagnetic Radiation Emitted by Cell Tower Base Stations and Other Antenna Arrays," www.nrcresearchpress.com, November 5, 2010.

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In conclusion, the Cellular Antenna Towers Ordinance 80.207 in conjunction with the 2017 Comprehensive Plan do not support the siting of the proposed 199.0 foot cell tower at the proposed location either in or adjacent to the CBD, regardless of definition. Moreover, the applicant, the FCC and the Kentucky Heritage Council have acknowledged that it will have a deleterious effect upon the surrounding landscape and historic properties. Also, the ordinance provides for cell towers "with the intention of furthering public health, safety and general welfare." Due to the proximity of numerous residential neighborhoods within a 1,500 foot radius of the proposed tower, this requirement is not meet. Therefore, the proposed location is not acceptable and should be denied.

Sincerely,



Mary McClinton Clay, MAI

Broadband Availability

Based on the Federal Communications Commission’s 2016 Broadband Progress Report and data from www.broadband.gov, 100% of urban areas in Bourbon County have 3 Mbps speeds or greater available to all but 6 households. In more rural Bourbon County area, high speed internet is not always attainable due to the high cost of service, low household income rates, lack of technology in the home, and/or topography that disrupts wireless signals. While the community anticipates a need for increased internet speeds and availability, the County’s zoning codes and ordinances need to reflect a sensitivity to the cultural and environmental characteristics of the community when considering cellular tower applications.

Cellular Communications Towers

The FCC provides records of Cellular Communication Towers that have been constructed in Bourbon County. The following table shows a listing of ten (10) registered towers that have been either “granted” or “constructed” over the past 34 years.

FCC Registered Towers in Bourbon County

Status	Year	Location	Height (ft.)
Granted	2016	712 Hawkins-Cummins Rd	48.8
Granted	2015	116 Shawhan Ln	75.8
Constructed	2007	342 Prescott Rd	89.9
Constructed	2001	681 Clintonville Rd	82.6
Granted	2000	2.39 km at 56.362 degrees True from Millersburg	107.8
Constructed	1997	350 Russell Cave Rd	94.5
Constructed	1992	249 Brentsville Rd	90.8
Constructed	1990	Approx. 1.5 km S of HWY 27/68 on Houston Rd	167
Constructed	1988	604 Hutchison Rd	82.6
Constructed	1982	2.5 MI NE	78.6

Source: FCC Antenna Structure Registration System at <http://wireless.fcc.gov/antenna/index.htm?job=systems>

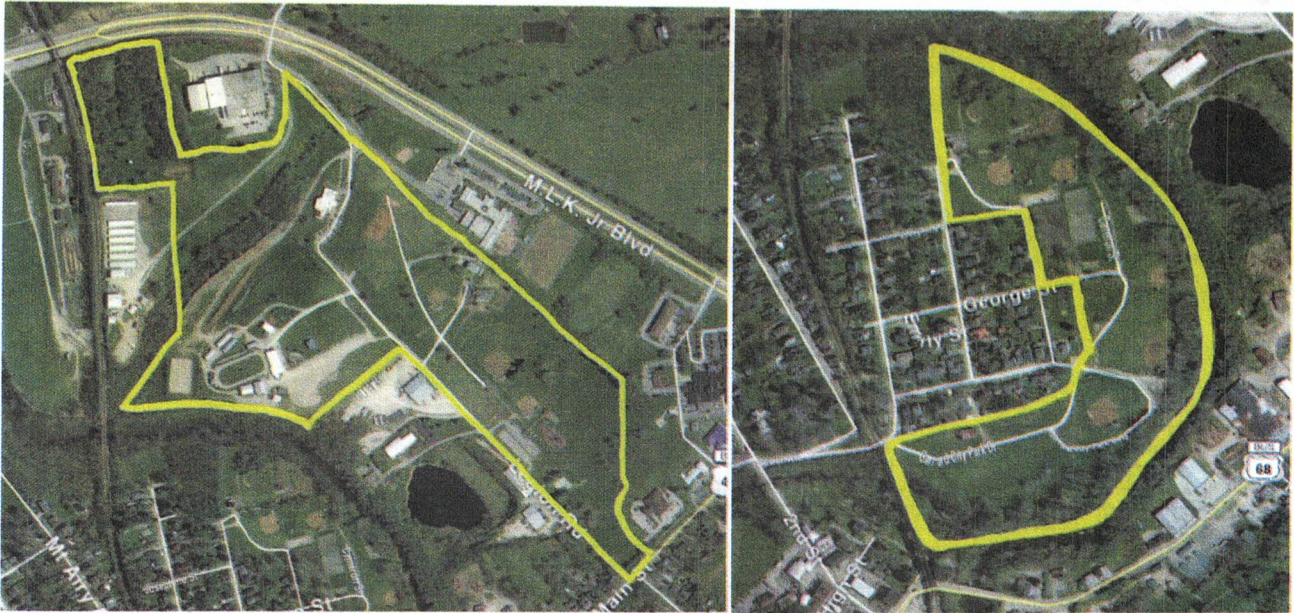
Currently, the Cities of Paris, Millersburg, North Middletown, and Bourbon County have telecommunication tower sections to each zoning ordinance in order to provide for the safest and most efficient integration of cellular towers within the community and provide for such facilities in coordination with the comprehensive plan, while protecting the aesthetics of residential areas, the Central Business District, scenic highways, and historically significant structures.

In future analyses, the Joint Planning Office intends to map all existing cell towers, public and private airport facilities, all city and rural historic districts, and existing coverage areas to be able to narrow down allowable areas for future growth of cell tower services while minimizing the potential impacts to the surrounding community and its environment. Additionally, with changing cell tower technologies, it is anticipated that the City of Paris and other densely populated areas in the County, explore the adoption of ordinances that regulate co-location of wireless cell facilities in the public right-of-way.

The Bourbon County Park is located on the east side of Stoner Creek across from Garrard Park. It is where the Bourbon County Fair is held each year as well as several festivals during the warmer seasons. It also has ballfields, playground equipment, a small skate park, and a paved walking trail.

Bourbon County Park

Garrard Park



Other Facilities

The Paris-Bourbon County YMCA is large, full service fitness center for community residents. The YMCA recently completed a major expansion of its facility on Main Street in Paris. Amenities include a gymnasium, indoor track, weight and aerobics centers, and indoor and outdoor pools. Bourbon County has two public golf courses: Houston Oaks, an 18-hole course, and Shady Brook, a 9-hole course. The Stoner Creek Country Club is also available to members and their guests. Tennis courts are also available to teams and Bourbon County residents at CMWA, a steel and aluminum wheel manufacturing facility. Residents are fortunate to have access to these four courts for sports teams and individual recreational use.

With many individual projects in motion, a joint plan should be conducted between the City and the County to identify trail connections for a parks system.

In the future, the community is focused on building connectivity between its existing parks and future planned parks through bike and pedestrian friendly trail networks and paddling opportunities. One large project that has been funded by the Bourbon County Fiscal Court is a conceptual plan for a 200 acre sports complex. While the concept has been produced, the Fiscal Court is currently considering the purchase of property to locate the complex. Upon purchase, a second round of design work will need to be conducted for the placement of facilities. Recently the City of Paris has been exploring the conversion of an abandoned rail line that is located within the City limits into a “Rails to Trails” project. This stretch of land is approximately one (1) mile in length and is located south of Lexington Road running diagonal from Clintonville Road to Bethlehem Road. With many individual projects in motion, a joint plan should be considered between the City and the County to identify connections for developing a parks system.