

SMALL WIRELESS COMMUNICATION FACILITIES GUIDELINES

City Council Meeting



FEDERAL COMMUNICA TIONS COMMISSION (FCC)

The FCC adopted the *Declaratory Ruling and Third Report and Order In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (“FCC Ruling”), effective January 13, 2019. That ruling provided for:

- Support of widespread deployment of new 5G networks.
- New and additional limitations when a locality can prohibit or deny small cell facilities.
- New strict shot-clocks for actions on small wireless facility applications (i.e., 60 or 90 days). No action or untimely action by locality may result in automatic approval.
- Limits on fees that can be charged for small cells.
- New standards for aesthetic requirements.

CITY'S AESTHETIC GUIDELINES & STANDARDS

The FCC Ruling gave localities until April 14th, 2019 to establish new standards that complied with the Ruling.

- The City Council adopted standards on April 12, 2019 in order to preserve some legal level of control over small cell facilities.
- To ensure that those standards, which were hastily developed to meet the deadline, are reviewed in a timely manner, the Resolution requires the City Council to review and revise or affirm the standards within 1 year.
- On August 12, 2019, the Council adopted the FCC “safe harbor” fees. (effective October 11, 2019).

PROPOSED UPDATE TO CITY'S AESTHETIC GUIDELINES & STANDARDS

More stringent controls over where small cell facilities can be located and what they will look like:

- Expands Aesthetic Guidelines to address specific types of support structures
- Expands Aesthetic Guidelines to address many specific design aspects
- Provides site and location preferences, including zoning districts, and prohibited locations

WHAT THE CITY CAN AND CANNOT LEGALLY REGULATE

Can regulate:

1. Placement, construction and modification of wireless communication facilities
2. Compliance with the existing FCC Radio Frequency (RF) standards
3. Aesthetic impacts

Cannot:

1. Favor one service provider (3G, 4G or 4LTE) over another (5G)
2. Prohibit personal wireless service
3. Regulate RF emissions
4. Regulate based on human health impacts
5. Regulate based on environmental impacts
6. Ban 5G

CITY'S PREFERRED SITE AND LOCATION FOR SMALL WIRELESS FACILITIES

In order of most preferred to least preferred:

- Public Facilities zoning district;
- Industrial zoning districts other than Timber Resources Industrial;
- Commercial zoning districts other than Neighborhood Commercial;
- Neighborhood Commercial zoning district;
- Timber Resources Industrial zoning district;
- Residential zoning districts;
- Open Space and Parks and Recreation zoning districts;
and
- Other special purpose zoning districts not listed above.

FURTHER CITY SITING REQUIREMENTS

- Small wireless facilities are prohibited in locations that are visible from parks, schools, public recreation facilities, historic structures or districts, sidewalks Central Business District and other public gathering spots.
- Only when locations in public facilities, industrial or commercial districts are not feasible are facilities permitted in residential districts
- Small wireless facilities are prohibited in front of business or residential windows, primary walkways, entrances and exits.
- New poles should be equal distance and a minimum of 15 feet apart.
- Small wireless facilities should be at least 500 feet apart.
- As much as possible, facilities should be located underground.

CITY REQUIREMENTS RE: PERMIT GUIDELINES

The Permit Guidelines provide the process and details for reviewing Small Cell Wireless Facilities Permit Applications, including applicable Engineering Design Standards & Permit Conditions.

- Require public notification
- Encourage and recommend voluntary neighborhood informational meeting
- Require an RF exposure compliance report
- Proof of additional permits and approvals
- Project plans
- Visual impact analysis