



PERSONAL WIRELESS SERVICE FACILITIES

BMC 19.50 - ZONING CODE TEXT AMENDMENT

INTRODUCTION – CITY COUNCIL

NOVEMBER 19, 2018

SPECTRUM ACT:

- Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 : “State or local government approve certain wireless broadband facilities siting requests for modifications and collocations of wireless transmission equipment on an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.”
- October 2014: The Federal Communications Commission unanimously approved rules interpreting Section 6409(a).



REASON FOR THE CODE AMENDMENT

- Bring the code into conformance with the requirements under the Spectrum Act
- Provide for thresholds on small cell facilities and eligible facilities requests to comply with the FCC regulations
- Emphasis of update is on small cells & eligible facilities
- Minor changes to macro facilities
- FCC Order revising definitions of small cells, shot clocks, and rental rates for Light standards

PROPOSED CODE CHANGES

Personal Wireless Communications Facilities (PWSF) Locations & Process:

- Adding provisions for small cell facilities and eligible facilities requests
- Small cell facilities locating on existing poles – no land use review process
 - Right of way permit or building permit
- Eligible facilities requests
- New structures that support small cells are not allowed in the Downtown Commercial zone
- Small cells are not allowed to be located on decorative light standards

SMALL CELL FACILITIES

- General design criteria
- Ground mounted equipment
- Locating on light standards and non-wood poles
- Locating on buildings
- Facilities that don't meet the design criteria: Type II land use process
 - *Violation of federal or state law*

PUBLIC COMMENTS

- Majority of comments received relate to health effects/impacts of new facilities
- FCC has determined that local jurisdictions cannot regulate based on health impacts
- City requested carriers to address the health impacts
- AT&T has provided documentation
- Verizon had an expert on health impacts who provided a presentation at the September 12th public hearing

PLANNING COMMISSION REVIEW

- Planning Commission discussed the PWSF amendments at :
 - Regular Meetings: June 27th, July 25th, August 22nd, 2018
 - Public Hearings: September 12th & September 26th 2018
 - Recommendation: October 10, 2018

NEXT STEPS

- November 19th: Introduction to City Council
- December 3rd: Potential Council adoption

Questions & Concerns