



Legislation Text

File #: 17-241, Version: 1

TO: Chair Wastchak and Planning Commission Members

FROM: Kevin Burke, Town Manager

DATE: July 25, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Public Hearing and Action upon Ordinance 2017-05 Regarding an Administrative Review of Small Cell Wireless Facilities

Council Goals or Other Policies / Statutory Requirements:

Responsiveness to Residents - Identify and consider resident concerns in a timely manner and seek solutions to the best of the Town's ability - Cell Service.

SUMMARY STATEMENT:

The purpose of the revision is first and foremost to come into compliance with the new State statute in terms of objective design standards, undergrounding, stealth and concealment, and timely processing of small wireless facilities applications. In short, the Council has directed that the objective design standard for "new small cells in the right-of-way" model the New Path/Crown Castle faux cactus. Second, the Council has directed that "small cell antennas attached to existing utility poles in the ROW" model the antenna on the southwest traffic signal post of 56th Street and Lincoln Drive.

To that end, Town Attorney Andrew Miller drafted an ordinance amendment. That amendment was presented at the June 20 and July 11, 2017 Planning Commission meetings. The draft ordinance placed the review process in Chapter 2 of the Town Code to make this an administrative process rather than a zoning process depending upon the compatibility of the proposed small wireless facility (SWF) to the objective design standards. If an applicant chooses a design other than the objective design standard, they may pursue such an SWF through Chapter 11 of the Zoning Ordinance. That is considered a zoning amendment which necessitates that this ordinance be reviewed and approved by the Planning Commission consistent with the process outlined in the Town Code.

During the July 11, 2017 Citizen Review and second study session by the Planning Commission, most policy issues and edits were addressed. These included the following:

- In order for an SWF applicant to not follow the objective design standard of a 24' faux cactus, the applicant must demonstrate a technical reason that the SWF cannot meet

industry SWF standards for coverage and capacity. This will be evaluated by a Town hired expert and may be broadly interpreted as the alternative is the 56th and Lincoln model.

- The wind load provisions of the faux cactus may be best articulated using a cross reference to the International Building Code (IBC). Staff identified this and found it to be superior to draft language and therefore cross-referenced the code. A copy of the IBC section is attached.
- Planning Commission found it acceptable to put the standard detail of the faux cactus and 56th and Lincoln utility pole in the application rather than the code.
- Staff to research if a disconnect switch can be relocated underground rather than mounted above the surface and camouflaged.
- Staff was directed to better understand the possibility of interference between two or more SWF in close proximity.
- Planning Commission asked for additional language regarding the ability of an approved permittee to construct a permitted SWF if it is not completed within 180 days. Language in Section 11(b) addresses this concern to allow extensions by mutual agreement or delay in power provision.
- Maintenance, indemnity, and relocation questions from Commissioners do not need to be added to the Ordinance as they are part of the required Master License Agreement (see attached summary of terms).

These edits have been incorporated into the version labeled “Ord 2017-05 SWF (Redline - 07-25-17 PC).” A clean copy has also been attached labeled Ord 2017-05 SWF (Clean - 07-25-17 PC).” Staff will review this version and any notes with the Planning Commission during the July 25, 2017 Public Hearing. Staff will look for Planning Commission members and citizens to provide comments at that time.

In order to accomplish this code amendment prior to the effective date of the new statute on August 9, 2017, this agenda item will require Planning Commission action following the public hearing. It will then be returned to Council for a special meeting on August 8.

BUDGETARY IMPACT:

New statute will reduce the revenue received from those carriers licensed to place PWSF's in the rights-of-way.

ATTACHMENT(S):

1. Statement of Direction SWF 06-08-17
2. 2015 IBC Section 1609 Wind Loads
3. Master License Agreement Major Terms Summary
4. SWF Application
5. Ord 2017-05 SWF (Redline - 07-25-17 PC)
6. Ord 2017-05 SWF (Clean - 07-25-17 PC)