

Verizon Wireless, LLC is applying for text amendments to the following sections of the Olympia Municipal Code:

- Permitted Wireless Communication Facilities by Zoning District, Section 18.44.090— Table 44.01 Permitted Wireless Communication Facilities By Zoning District.
- Development Standards, Section 18.44.100, B. Attached Wireless Communication Facilities, 3. ROW Attached Structures.
- Approval Process, Section 18.44.110, adding a new section 5.
- Definitions 18.02.180—adding definition of small cell facility.

These amendments are offered to address an absence of an appropriate permitting process for a new wireless technology known as small cell facilities.

What is a small cell and why are they needed?

Small cells are low profile wireless facilities designed to provide service in a limited geographic area. Small cells are fundamentally different from traditional wireless facilities because they involve much smaller equipment, are designed to be placed on existing infrastructure, and have much lower power and range. Small cells do not replace the need for traditional wireless facilities, but can provide broadband wireless services in high capacity or hard-to-reach areas.

Small cell facilities are sited on existing or replacement utility poles or light standards in the public right of way. The small cell facility typically consists of 1 or 2 two-foot tall antennas mounted at the top of the pole at a height of 25-40 feet. The antennas are either mounted close to the pole on mounting brackets, or in an antenna canister. Attached to the pole are also small radios, with a conduit for fiber and power running from the antennas to the radios. There is also a power disconnect switch, also mounted to the pole below the radios. A diagram of the components of a small cell facility on a utility pole is attached as Exhibit A.

The need for small cell facilities is driven by the tremendous increase in the use of smart phones and other wireless devices, and the resulting huge demand for additional data over the existing networks. Small cells can provide additional capacity to existing wireless networks by offloading some of the users and by having the small cell facilities closer to the end user than traditional towers.

A growing number of local households do not have landlines, relying on wireless devices alone for communication, email, video and 911 calls. The need for fast and reliable wireless service has never been greater and small cell facilities are a flexible solution to deliver that service where residents, businesses and visitors are using their phones and devices.

Comprehensive Plan

The proposed small cell amendments are consistent with and act to advance the following policies in the Olympia Comprehensive Plan:

PE4.9 Collaborate with public and private partners to finance infrastructure needed to develop targeted commercial, residential, industrial, and mixed-use areas (such as Downtown Investment Strategy Report opportunity areas and along Urban Corridors) with water, sewer, electricity, street, street frontage, public parking, telecommunications, or rail improvements, as needed and consistent with the Comprehensive Plan.

The wireless industry seeks to deploy this much needed infrastructure at no cost to the city.

PU15.3 Process permits and approvals for private utility facilities in a fair and timely manner, and in accordance with development regulations that foster predictability.

The Conditional Use review is intended to condition projects with significant impacts. Small cell facilities, placed on existing or replacement structures in the right of way have minimal impacts on surrounding properties and would be more appropriately processed as other utility attachments, through the building permit process.

PU17.1 Promote the co-location of new utility distribution and communication facilities when doing so is consistent with utility industry practices and national electrical and other codes.

Small cell facilities use utility distribution and transmission poles in a manner consistent with industry practice and national electric and other codes.

PU18.3 Encourage telecommunication utilities to use existing structures, such as existing towers and buildings, where a new installation will not conflict with height restrictions.

Small cell facilities are designed to be placed on existing or replacement structures in the right of way.

Conclusion

For the reasons stated above, Applicant Verizon Wireless respectfully requests that the City Council consider and adopt the proposed text amendments, set forth more fully in Exhibit B.

EXHIBIT A

Small Cell Components

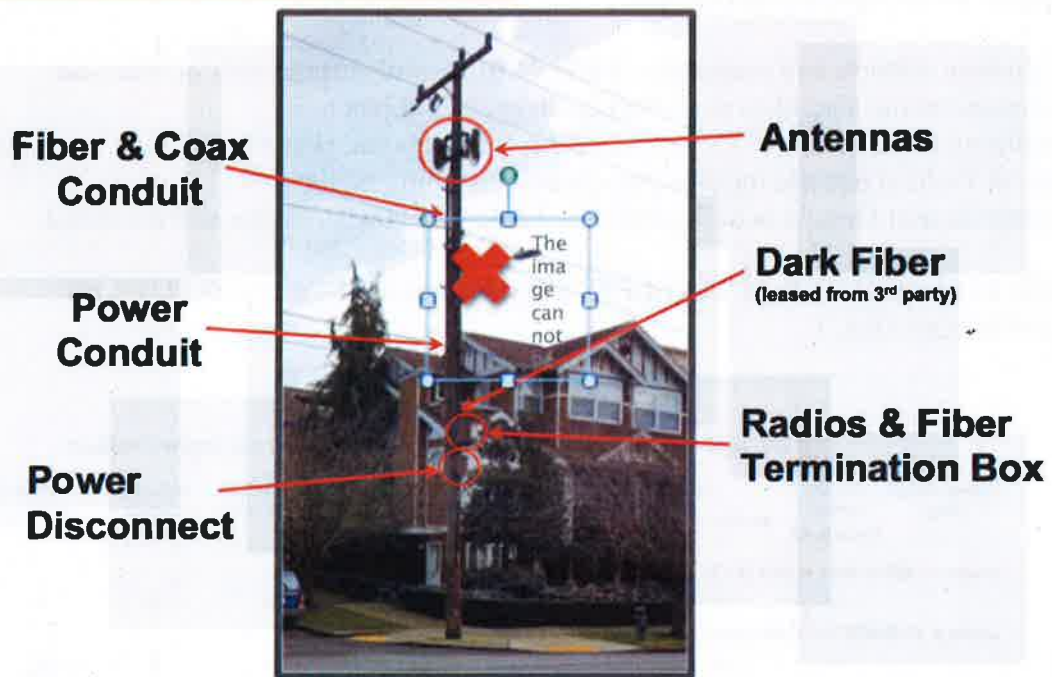


EXHIBIT B

Chapter 18.44 ANTENNAS AND WIRELESS COMMUNICATIONS FACILITIES

18. 44. 090 Permitted Wireless Communication Facilities by Zoning District

A. Generally: Table 44.01, Permitted Wireless Communication Facilities by Zoning District, identifies types of Wireless Communication Facilities which are permitted outright (P), subject to a Conditional Use Permit (C), or prohibited (N). Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.

B. Historic districts and properties: Table 44.01 also identifies types of Wireless Communications Facilities permitted outright (P), subject to a Conditional Use Permit (C), or prohibited (N) in National Historic Districts, or on local, state, or Federal historic register properties, depending on the Zoning District Group (as defined within Table 44.01) wherein the site is located.

Table 44.01 PERMITTED WIRELESS COMMUNICATION FACILITIES BY ZONING DISTRICT

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Zoning District Group	Antenna Element Replacement	CONCEALED		Collocated or Combined on Existing WCF	ROW Attached Structure ** 34.5 KV+	Mitigation of Existing WCF	Expanding Existing Antenna Array	NON-CONCEALED	
		Attached WCF	Freestanding WCF					Attached WCF	Freestanding WCF
Group 1. INDUSTRIAL ZONES (I, LI)									
	P	P	P	P	P	P	P	P	P
Group 2. COMMERCIAL ZONES (AS, CSH, DB, GC, HDC-3, HDC-4, MS, UC, UW)									
	P	P	P	P	P	P	P	C	N
Group 3. MIXED USE ZONES (PUD, PO/RM, RMU, UR, UW-H)									
	P	P	C	P	P	C	C	N	N
Group 4. NEIGHBORHOOD ZONES (COSC, HDC-1, HDC-2, MHP, MR 7-13, MR 10-18, NC, NR, NV, R1/5, R4, R4-8, R6-12, RLI, RM-18, RM24, RMH, UV)									
	P	C	C	C	C	C	C	N	N
NATIONAL HISTORIC DISTRICTS and LOCAL, STATE, OR FEDERAL REGISTER PROPERTIES									
Groups 1-3	P	C	C	C	C	C	C	N	N
Group 4	P	N	N	N	N	N	N	N	N
SITES WITHIN 300 FEET OF GROUP 4 - NEIGHBORHOOD ZONES									
Groups 1-3	P	C	C	C	C	C	C	N	N
P - Permitted C - Conditional Use Permit N- Not Permitted									

* Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.

** Small cell facilities attached to existing or replacement utility poles or towers, as outlined in Section 18.44.100.B.3, are permitted outright. New utility poles or towers for small cell facilities are subject to administrative review.

Note: Deleted from first row-ROW Attached Structure: 34.5 kV+

18.44.100 Development Standards

B. Attached Wireless Communication Facilities

3. ROW attached structures.

a. Allowable locations: Shall only be allowed where the applicant has an agreement with the applicable utility or other authority that exercises jurisdiction over the subject right of way, on existing or replacement electrical transmission or distribution poles with up to 15 feet of additional height, if needed to maintain required clearances and ~~towers carrying thirty-four and one-half kilovolts (34.5 kV) or greater, and greater than fifty (50) feet in height,~~ subject to approval of the designated staff or other appropriate agency designee and/or the utility company.

b. Equipment compound or cabinets: Equipment compounds or cabinets for WCFs under this subsection shall be designed, located, and screened or concealed in such a manner as to not interfere with the subject right of way or its primary utilization. ~~Depending on site conditions, the~~The review authority applicant may require install equipment on the pole or placement in an underground vault to provide for traffic safety, pedestrian access, or other right-of-way utilization requirements.

c. A single permit may be used for multiple small cell facilities spaced to provide wireless coverage in a contiguous area.

d. Small cell facilities attached to existing or replacement utility poles or towers are permitted outright. Small cells are only subject to approval via administrative review if their installation requires the construction of a new utility support structure.

18.44.110 Approval Process

All approvals are subject to the review processes outlined in Title 18 OMC, Unified Development Code. Additionally, in accordance with Table 44.01 in Section 18.44.090 Permitted Wireless Communications Facilities by Zoning District, the following approval process shall apply:

A. New WCFs and Antenna Element Replacements Not Subject to Chapter 18.46 (Eligible Wireless Communication Facilities Modifications).

1. Any application submitted pursuant to this section shall be reviewed by City staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty (20) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.
2. Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the City in writing as to whether or not the potential collocation or combining is acceptable and under what conditions. If the collocation or combining is not acceptable, then the applicant must provide the respondent and the City written justification as to why the collocation or combining is not feasible.

B. Supplemental Review. The City reserves the right to require a supplemental review for any type of WCF, subject to the following:

1. Due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the City will require a technical review by a third party expert approved by the City, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
2. The applicant shall submit the required fee as published in the City's current fee schedule.
3. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
4. The supplemental review may address any or all of the following:
 - a. The accuracy and completeness of the application and accompanying documentation.
 - b. The applicability of analysis techniques and methodologies.

- c. The validity of conclusions reached.
- d. Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Chapter.
- e. Other items deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of the Olympia Municipal Code.

5. This section will not apply to applications to place small cell facilities on existing or replacement utility poles and/or, if the height of a replacement structure, including antennas, is no more than:

- (a) Fifteen feet (15') taller than the existing utility support structure; or
- (b) The minimum height necessary to provide the required safety clearances from transmission or distribution lines.

C. Post Construction Field Testing. Within thirty days of becoming fully operational, all facilities shall be field tested by a third party reviewer, at the applicant's expense, to confirm the theoretical computations of RF emissions.

18.02.180 Definitions

Small cell facility. A personal wireless services facility that meets both of the following qualifications:

- (i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- (ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, and battery back-up power.

