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City Council

Approval of an Ordinance Amending the Unified Development Code, Title 18, Chapter 18.02 and Chapter 18.44 Antenna and Wireless Communication Facilities for Right of Way Attached Facilities to Add Small Cell Facilities

**Agenda Date: 11/13/2018
Agenda Item Number: 4.G
File Number: 18-0962**

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending the Unified Development Code, Title 18, Chapter 18.02 and Chapter 18.44 Antenna and Wireless Communication Facilities for Right of Way Attached Facilities to Add Small Cell Facilities

Recommended Action

Committee Recommendation:

The Planning Commission recommends approval of the proposed amendments in the attached ordinance.

City Manager Recommendation:

Move to approve the Ordinance Amending Chapter 18.44 Antenna and Wireless Communication Facilities for Right of Way Attached Facilities to Add Small Cell Facilities on second reading.

Report

Issue:

Whether to approve an ordinance amending text in the Unified Development Code, Title 18, Chapter 18.02 and Chapter 18.44 Antennas and Wireless Communication Facilities to allow for small cell wireless facilities as attached facilities in the right of way.

Staff Contact:

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Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Background and analysis has not changed from first to second reading.

Verizon Wireless applied for a zoning code text amendment to update Olympia Municipal Code (OMC) Chapter 18.44, Antennas and Wireless Communications Facilities, to address the siting of a new wireless technology called "Small Cell." Existing city regulations that adopted to address older cell towers and antenna technology create challenges for locating small cell facilities that do not have the same impacts as the older antennas. Following significant discussions and research, staff recommended a revised zoning code text amendment to the Planning Commission that is agreeable to Verizon to address the identified issues with the existing zoning code.

A small cell facility is defined in RCW 80.36.375(2) as 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, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.*

Under current city regulations, small cell facilities are allowed in most areas in the city, but the standards in the City's zoning code include operational challenges for small cell technology.

The primary issue in the City's zoning code for the siting of small cell facilities in the right of way is a requirement that wireless facilities must be on a utility pole or electrical transmission tower at least 50 feet in height. This height standard was presumably adopted to address potential visual impacts associated with older wireless technology that consisted of large antennae attached to the tops of poles. Small cell facilities are designed to have less impacts, and function best when located between 25 and 40 feet above the ground.

The text changes focus specifically on the siting of small cell facilities in the public right of way, and will allow small cell facilities on existing or replacement utility poles less than fifty feet in height provided that the cell provider have an approved Master Permit/Franchise Agreement with the City. Illustrations are attached that describe the appearance of a small cell facility.

The Land Use and Environment Committee forwarded the issue to the Planning Commission for recommendation. On June 4, 2018, City staff provided a briefing of the proposed amendment before Planning Commission. A public hearing was held on August 6, 2018, regarding the proposal and Planning Commission made a recommendation to the City Council to approve the amendment as proposed.

Neighborhood/Community Interests (if known):

The Planning Commission public hearing was not well attended. Neighborhood concerns may include visual impacts. Neighborhood interest may include faster wireless service and additional capacity that small cell facilities will provide.

Options:

1. Approve the attached ordinance as recommended by Planning Commission.
2. Approve the attached ordinance with specific amendments.
3. Decide not to amend the City's zoning code to address small cell facilities as recommended by Planning Commission.
4. Refer back to the Land Use and Environment Committee or Planning Commission for further discussion of specific issues.

Financial Impact:

None

Attachments:

Ordinance
Planning Commission Minutes
Small Cell Illustrations