



WORK SESSION AGENDA ITEM SUMMARY

City Council

STAFF

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SUBJECT FOR DISCUSSION

Wireless Telecommunications Code Update.

EXECUTIVE SUMMARY

The purpose of this work session item is to obtain feedback and direction from Council on potential changes to the Land Use Code to ensure they align with the objectives of the recently adopted Wireless Telecommunication Master Plan and address feedback received from Council at the January 25 work session. This information will help guide the development of the draft Land Use Code updates for wireless telecommunication projects that are anticipated to come to Council for adoption in Fall 2022.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Should wireless facilities be permitted on non-residential properties in residential zone districts?
2. Should certain City-owned properties be available for the siting of wireless telecommunication facilities?
3. Does Council support staff's recommendation for context-based standards to regulate facility design?

BACKGROUND / DISCUSSION

In 2018, Council appropriated \$50,000 as part of the 2019-2020 biennial budget to fund the completion of the City's first Wireless Telecommunications Master Plan. Cityscape Consultants, Inc., an independent wireless consultant that specifically works with local government on wireless policy, was hired to assist staff with analysis and creation of the Plan. Additionally, an Advisory Committee consisting of City staff and community members met periodically throughout the process to review planning materials and provide feedback on various stages of the Plan. The City began the Plan process in Spring 2020. The Plan was conducted in three phases:

Phase I - Research and Assessment of Existing Conditions

To initiate the Wireless Master Plan and explore key issues, the first phase of the planning process took into consideration previous neighborhood concerns and asked participants to confirm feedback received through several contentious neighborhood meetings. All wireless facilities were researched, cataloged, and assessed by visiting each site.

Phase II - Choices and Strategies

The second planning phase documented existing wireless conditions and developed simulated coverage and capacity maps. The resulting analysis identified gaps that are assumed to be filled one day by wireless infrastructure. With this information, City staff developed a targeted outreach strategy to engage the public from areas that might expect future development. Staff conducted facilitated conversations, surveys and one-on-one meetings with stakeholders to discuss the trade-offs that may be faced when developing wireless sites in areas of the community that may lack strong wireless coverage and capacity.

Phase III - Plan Development

During the development of the Plan, content was developed by Cityscape along with staff and curated through review by a technical advisory committee, City Boards and Commissions, community members and other wireless stakeholders.

The Plan identifies several opportunities and challenges the City will face as the community grows, wireless technology progresses, and wireless subscribers consume more data. This Plan will serve as the basis for the City to implement targeted Land Use Code amendments that address the design, location, and an updated development process for constructing wireless telecommunication facilities. The vision for the future is based on feedback received from various community members, technical experts, boards and commissions and summarized in the following vision statements:

- Provide context-sensitive concealment elements that are compatible with surrounding natural and architectural environments.
- Use limited public lands, such as parks, civic buildings and golf courses in an effort to allow greater community control over placement and design, protect the community from visual impacts and improve coverage in hard-to-reach residential areas.
- Promote greater transparency from the wireless industry by requiring applicants to demonstrate radio frequency emission compliance with any new or existing wireless development.
- Maintain cohesive small wireless facility design standards which require undergrounding of equipment to protect the community's visual quality.
- Continually monitor, update, and publish the City's database of existing wireless communication facilities as a tool to promote collocation.

PREVIOUS BOARD/COMMISSION/COUNCIL ACTIONS

The progression of the Plan was presented at the March 26, May 14, and June 11, 2021 Planning & Zoning Commission work sessions. Additionally, the Plan progress and draft strategies were presented to the Golf Board on April 14, and the Parks & Recreation Board on April 28 and May 26, both of which expressed support for the Plan.

On September 16, 2021, the Planning & Zoning Commission unanimously recommended that Council adopt the Wireless Telecommunications Master Plan. The Plan was unanimously recommended for adoption by Council upon First Reading at the October 5, 2021 Regular meeting and officially adopted upon Second Reading at the October 19, 2021 Regular meeting.

Staff presented on the key strategies of the Plan at the January 25 Council work session to seek feedback on which of the strategies Council wanted to prioritize. Direction given at that work session was that staff should explore options to revise/refine the existing design standards for wireless facilities as that component of the Code update had implications for other policy items such as the possibility of permitting facilities in residential zone districts or on City-owned properties. Since the work session earlier this year, staff has worked with outside counsel to review the Land Use Code standards for compliance with FCC regulations as well as to explore potential changes that will align with Council's direction and the policies of the Wireless Telecommunication Master Plan adopted in September 2021.

KEY QUESTIONS

Below are the questions staff for which staff is seeking Council input. Each section includes the related findings from the Wireless Telecommunications Master Plan for the topics, potential actions to address the issues identified, and the related tradeoffs. These items were identified in the Plan as key ways to fulfill the community vision for wireless telecommunication infrastructure and were chosen for discussion due to the interrelated impacts they have on one another.

1. Should wireless facilities be permitted on non-residential properties in residential zone districts?

- a. **Plan Findings:** Currently, wireless telecommunication applicants seeking to place facilities in residential zone districts (such as the RL, LMN, MMN, and HMN districts) can only do so through the Addition of Permitted Use process. This existing process discourages many applicants from pursuing such an approval due to the timeline and uncertainty of the outcome. This zoning limitation has resulted in fewer new facilities, which has impacted cellular coverage and capacity in certain geographic areas of the City, notably SW, SE, and NW Fort Collins.

i. Potential Actions

1. Permit facilities on private non-residential properties (e.g., schools, places of worship, businesses) in zone districts where they are currently prohibited (RL, LMN, MMN, HMN).
2. Maintain public hearing and notification requirements for projects in these areas where the zoning would require a Planning & Zoning Commission hearing.
3. Require new residential projects that will develop over a certain number of dwelling units, or commercial projects of a certain size, to set aside area for a potential future facility.

ii. Trade-off

1. While permitting the use in areas where it hasn't previously been allowed would facilitate additional deployment options, the City cannot guarantee that providers will locate in those areas. The high level of discretion (Planning & Zoning Commission approval) and/or lack of non-residential sites may still discourage providers from locating in residential areas.

2. Should certain City-owned properties be available for the siting of wireless telecommunication facilities?

- a. **Plan Findings:** The analysis of the coverage and capacity gaps identified that placing wireless telecommunication facilities on select City-owned properties, specifically parks and golf courses, could be an effective strategy to address some of the cellular service gaps that exist throughout the community.

i. Potential Actions

1. Explore ways to encourage providers to consider siting facilities on City-owned property in addition to private property alternatives.
2. Develop a clear administrative policy regarding siting facilities on City-owned property that will remain flexible in its application.

ii. Trade-off

1. If Council does not support allowing facilities on private non-residential properties in residential zoning districts, then the option for only allowing them on City-owned properties in those zone districts may be an appropriate alternative. However, this introduces complexities related to negotiating leases with providers and the transparency of that process. If Council does support changes in residential zone districts and does not support the use of City property, it is less likely that existing or future coverage gaps in some residential areas can be addressed.

3. Does Council support staff's recommendation for context-based standards to regulate facility design?

- a. **Plan Findings:** Currently, the Land Use Code requirements for the use of "stealth technology" to conceal wireless telecommunication infrastructure are somewhat vague and unpredictable for applicants as well as staff. Revising the City's existing standards for large wireless infrastructure would clearly communicate the City's preferences for the design and placement of future facilities to applicants, thereby reducing the need for protracted negotiation related to aesthetics and site planning.

i. Recommended Action

1. Expand on the existing context-based approach with additional design standards in the code. The updated standards could be modeled after Area of Adjacency standards that currently exist for Historic Preservation.
2. This approach would give gives applicants and staff the ability to tailor design requirements to each site and the surrounding context based on a buffer area from the facility, such as 200 feet. Design considerations would be related to height, massing, material, color, and land use of the surrounding area.

ii. Trade-off

1. Stricter or more specific design standards could ensure a more predictable outcome. However, that approach would lack the flexibility to tailor design and appropriateness to the surrounding context, meaning modifications to standards may be requested by applicants more frequently. Additionally, prescriptive standards would require the Code to be updated more frequently as facility design and the related technology continues to change in the years ahead.

CITY FINANCIAL IMPACTS

Funding has already been allocated for the Land Use Code update. That work is currently being performed by outside regulatory counsel during Q2-Q3 2022.

- Prior Appropriated Funds - \$50,000
 - Cityscape Consultants, Inc. - \$40,100 (for the Wireless Master Plan)
 - Outside Counsel (Ken Fellman) - \$9,900 (for the Land Use Code update)

Additionally, staff has submitted a BFO offer for the 2023-2024 budget cycle to seek \$20,000 in funding to develop a design guidelines document for wireless facilities. That document would supplement the new design standards in the Code to help guide the design of future facilities. If funded, it is anticipated that that document would be completed in 2023.

NEXT STEPS

- Q1 2022: Work Session (January 25), review existing standards with consultant
- Q2 2022: Draft recommended amendments to Land Use Code
- Q3 2022: Refine recommended amendment, seek additional guidance from Boards, Commissions, and Council
- Q4 2022: Bring proposed Land Use Code amendments to Planning & Zoning Commission and Council for consideration

ATTACHMENTS

1. Wireless Telecommunications Master Plan
2. Powerpoint Presentation